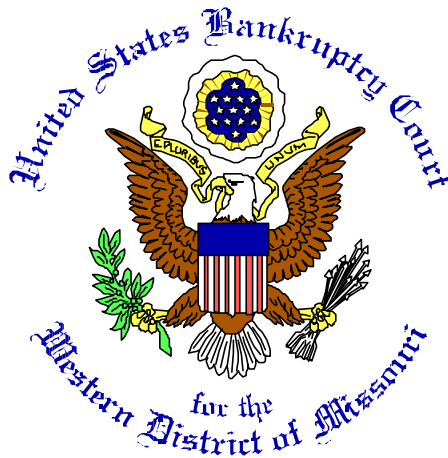


LOCAL RULES OF PRACTICE
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI



COPIES OF LOCAL RULES AND BANKRUPTCY FORMS

Local Rules may be accessed on the Western District of Missouri Web site:

<http://www.mow.uscourts.gov/>

If you wish to receive copies of the Bankruptcy Local Rules from the Court, please send a written request along with a 9 X 12 self-addressed envelope with \$2.18 in postage. Send your request to:

Bankruptcy Rules
U.S. Bankruptcy Court
Room 1510, U.S. Courthouse
400 East 9th Street
Kansas City, MO 64106

Bankruptcy forms may be accessed through the Internet on the Federal Judiciary Web site:

<http://www.uscourts.gov/bankform/>

In addition, bankruptcy forms and computer software are available from a variety of providers. Check your local office supply or legal stationery store. The Bankruptcy Court does not provide forms.

PREFACE

These Local Rules are promulgated in order to assist counsel and the participants of the bankruptcy system by announcing procedures for our local practice which are not covered by the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure.

The purpose is to assemble a comprehensive handbook of Local Rules, additional helpful information about operation of the Court and Clerk's Office, and the United States Trustee's Guidelines, so attorneys and participants will have at hand all information necessary for practice in Bankruptcy Court in the Western District of Missouri.

These Local Rules have been modified and conform with the December 8, 2000 General Order for Electronic Case Filing Procedures and the March 1, 2001 Administrative Procedures adopted by this Court.

Certain provisions of the Local Rules of the U.S. District Court, Western District of Missouri, have been incorporated in the Bankruptcy Local Rules. Additional District Court Local Rules may be applied in particular cases at the discretion of the judge.

Unless otherwise specified, all statutory references are to Title 11, United States Code.

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Definitions

File:	Means “Electronic Case File” as records (with few exceptions) are maintained electronically rather than paper form. Electronic Case Files began on March 1, 2001 for all pending and new cases. Files for cases and documents filed prior to March 1 are still retained in paper form.
Filing (to file):	Means transmitting documents and cases electronically via the Internet using the Court-specified, password-protected web site.
Service:	Means “Electronic Service” via the Electronic Case Filing System (ECF). When a document is filed, attorneys who participate in ECF and who have entered their appearance or have filed a document in a case will receive service of the document electronically. Paper service is not needed for these participants.
Conventional Service:	Means service by mail. This is needed for parties who are not participating in ECF and for the complaint and summons in all adversary cases. Party filers determine who needs service of the document they file. The Court may direct parties to serve notices or orders.
Matrix:	A list of all creditors, interested parties and any ex-spouses in the bankruptcy. The matrix is prepared as a text (.txt) file and uploaded into the Electronic Case Filing System.
PDF	All documents except the matrix are prepared in Portable Document Format (pdf). This is the only type of electronic file that can be filed in ECF.
Signature	Means “electronic typed signature”. For all documents which require a signature the electronic typed signature in the format (/s/ John Doe) combined with the attorney’s use of the login and password issued for ECF shall constitute the signature of the attorney and/or attorney’s client for all purposes, including Fed. R. Bankr. P. 9011 and Local Rule 9011-1.
Verification (verified):	Means a sworn statement or an unsworn declaration of the debtor attesting to the accuracy of the information contained in all petitions, lists, schedules, statements and amendments thereto pursuant to Fed. R. Bankr. P. 1008.

PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION

RULE 1002-1. PETITION - GENERAL

- A. **Filing.** Initial pleadings consist of the verified petition, schedules, statement of affairs, disclosure of compensation to counsel, and mailing matrix. (**Appendix 1-02**)
- B. **Service on United States Attorney.** If the United States is a creditor, on the day of filing debtor shall serve the United States Attorney with the petition and initial pleadings, and all subsequent schedules.
- C. **Declaration Re: Electronic Filing.** Within 5 business days, the attorney for the debtor shall file in paper form an originally executed “Declaration Re: Electronic Filing” (**Appendix 1-02**) for each petition filed.
- D. **Statement of Chapter 7 Business Operations.** In a Chapter 7 business case, a statement as to whether or not any related business continues to operate, and the name, current address and telephone number of the Chief Operating Officer or other contact person shall be filed in the format of **Appendix 1-02**. Upon appointment of the interim trustee, the attorney for the debtor shall immediately notify said trustee by fax of the operating business.
- E. **Mailing Matrix.** Debtor shall submit a verified master mailing matrix with names and addresses of all creditors and interested parties, but **not** debtor or debtor's attorney. The Clerk adds to each case the Missouri Department of Revenue and trustee. If the United States is a creditor, debtor shall also add the United States Attorney to the matrix in addition to the creditor government agency. The Court may **also** require that a matrix with a large number of names be submitted in a format prescribed by the Court. If the mailing matrix is omitted from the initial documents or is in an incorrect format, a new verified mailing matrix must be submitted within two days from the date of filing of the case or the case may be dismissed. **Appendix 1-00** contains a list of standard addresses of government agencies.
- F. **Amended Matrix.** Amended matrices shall list **only additional creditors**.
- G. **Involuntary Case.** Within two days after the order for relief in an involuntary case debtor shall submit a matrix. Debtor shall file schedules and other required initial items within 15 days after the order for relief, unless another party is ordered to do so.
- H. **Expiration of Agency.** The designation shall expire upon entry of the final decree and the expiration of any applicable appeal period.

RULE 1002-2. COMPLEX CHAPTER 11 CASES

- A. **Designation of a Complex Chapter 11 Case.** A Complex Chapter 11 Case is defined as a case filed in the Western District of Missouri under chapter 11 of the Bankruptcy

Code that requires special scheduling and other procedures because of a combination of one or more of the following factors:

1. The need for “first day” emergency hearings for consideration of the use of cash collateral, debtor-in-possession financing, and other matters vital to the survival of the business;
2. The size of the case (usually total debt of more than \$5 million or more than \$2 million in unsecured non-priority debt);
3. The large number of parties in interest in the case;
4. The fact that claims against the debtor and/or equity interests in the debtor are publicly traded (with some creditors possibly being represented by indenture trustees);
5. The need for simplification of noticing and hearing procedures to reduce delays and expense; or
6. Other similar factors.

B. Notice of Designation. If any party filing a chapter 11 bankruptcy petition believes that the case should be classified as a Complex Chapter 11 Case, the party shall file with the bankruptcy petition a Notice of Designation as Complex Chapter 11 Case (**Appendix 1-02**).

C. Initial Motions and Hearings. The judge who is assigned a Complex Chapter 11 Case shall use best efforts to arrange the judge’s calendar so that the “first day” emergency hearings can be conducted as required by the circumstances, but not more than two (2) business days after the request for emergency “first day” hearings. In the event the assigned judge is unavailable the Chief Judge and/or other members of the Court shall use best efforts to arrange for such hearings within such time period. Following are examples of recognized first day motions and applications:

1. Motion for Use of Cash Collateral (interim hearing only);
2. Motion for Post-Petition Financing (interim hearing only);
3. Motion to Pay Pre-Petition Employee Wage Claims and Benefits (to the limit provided by § 507);
4. Motion for Joint Administration;
5. Motion to Limit/Set Notice Procedures;
6. Motion to Provide Adequate Assurance to Utilities;
7. Motion to Allow Debtor to Serve Notice of Creditors’ Meeting;

8. Motion to Pay Pre-Petition Trust Fund Taxes;
9. Motion to Honor Pre-Petition Obligations to Customers (to the limit provided by § 507);
10. Motion to vary U.S. Trustee's requirements, such as Motion to Authorize Maintenance of Existing Bank Accounts, Existing Business Forms, Cash Management System, Investment Procedures, etc.;
11. Motion Directing Banks to Honor Pre-Petition Checks;
12. Motion to Reject Leases and Contracts;
13. Application for Temporary Restraining Order filed in connection with an Adversary Proceeding;
14. Motion to Allow Debtor to Pay Certain Pre-Petition Trade Claims; and
15. Motion to Approve Bid Procedures Regarding Sale of Assets.

D. The Clerk's Responsibility. When a party has filed a Chapter 11 case and filed a Notice of Designation as Complex Chapter 11 Case (**Appendix 1-02**), the clerk shall:

1. Immediately confer with the assigned judge about setting hearings on any emergency motions and about issuing the Initial Order (**Appendix 1-02**); and
2. If the assigned judge determines that the case does not qualify as a Complex Chapter 11 Case, the assigned judge shall issue an Initial Order Denying Complex Case Treatment. If the assigned judge determines that the case appears to be a Complex Chapter 11 Case, the assigned judge shall issue an Initial Order for Complex Business Bankruptcy Case.

RULE 1009-1. AMENDMENTS TO LISTS AND SCHEDULES

Any amendments to schedules filed with the Court must be accompanied by a verification. Debtor must serve amendments to schedules, matrices and statements of affairs on affected entities, the United States Trustee, and the trustee in the case, in time to comply with applicable provisions of §523(a)(3), with a notice (**Appendix 1-09**) as follows:

1. For each affected entity, the name and address, amount owed, and date the debt was incurred;
2. The name and address of debtor's counsel and the trustee;
3. The bar date for filing claims, or a statement that no date has been set, or that it is a no-asset case and claims need not be filed. If the time has passed, or will pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days after service of the notice to file claims; and
4. The deadline for filing § 523 and § 727 complaints. If the time has passed, or will pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days after

service of the notice to file complaints.

RULE 1015-1. JOINT ADMINISTRATION

In all joint petitions filed with the Court, the case will be administered through joint administration of the estates without further Court order unless the trustee or other interested party files an objection to joint administration within ten days after the conclusion of the first meeting of creditors.

RULE 1017-1. DISMISSAL OR CONVERSION OF CASE

A. Dismissal. A debtor's motion to dismiss a voluntary case, or a petitioning creditor's motion to dismiss an involuntary case, shall state the reason for requesting dismissal and shall disclose any agreement involving the debtor, any creditor, or other party in connection with the motion or the case. The moving party shall file and serve on all creditors a notice allowing creditors and interested parties 20 days in which to file an objection to the motion to dismiss. If no timely objection is filed to the motion, the Court may dismiss the case without further notice or hearing.

B. Fees. Dismissal may be conditioned on payment of expenses and fees, including quarterly fees due the United States Trustee.

C. Conversion. A debtor's motion to convert from one chapter to another chapter of the Bankruptcy Code shall be in writing, state with particularity the reason for conversion, state whether the case has been previously converted, and be served on the trustee, if any, United States Trustee, parties requesting notice, and any committee. The debtor shall file and serve a notice of the motion in accordance with Fed. R. Bankr. P. 2002(a)(4).

The notice shall advise as follows:

1. Creditors and interested parties have 20 days from the date of service of the notice to file an objection;
2. If no objection is filed, the Court may enter an order converting the case without further notice or hearing; and
3. If an objection is filed, a hearing will be scheduled by the Court upon separate notice.

D. When Conversion Procedure Applicable. The procedure set forth in Section C shall apply to the following motions:

1. Debtor's motion to convert a case under chapter 7 to a case under chapter 11, 12, or 13;
2. Debtor's motion to convert a case under chapter 11 to a case under chapter 7, 12, or 13;
3. Debtor's motion to convert a case under chapter 12 to a case under chapter 11 or 13; and
4. Debtor's motion to convert a case under chapter 13 to a case under chapter 11 or 12.

E. Debtor's Motion to Set Aside. If a dismissed case **has been closed**, debtor's motion to set aside an order dismissing a case shall be accompanied by a fee in the same amount as the current filing fee

for the case not including the administrative fee or trustee surcharge. Movant shall serve the motion, with a notice that recipients have 30 days to object, on the trustee, if any, United States Trustee and all creditors and interested parties.

RULE 1019-1. CONVERSION - AMENDED SCHEDULES REQUIRED

In a chapter 7 case that has been converted from another chapter, and unless ordered otherwise, the debtor shall, not later than ten days after the date of the order of conversion, file verified schedules and a statement of financial affairs reflecting information correct as of the date of the notice or order of conversion.

RULE 1073-1. ASSIGNMENT OF CASES

A. **Jurisdiction.** Judges of this Court have concurrent jurisdiction. When necessary or desirable, one judge may act in a case assigned to another judge.

B. **Assignment.** Cases shall be assigned to judges based on the county in which debtor's domicile, residence, principal place of business, or principal assets were located for the greater part of the 180-day period preceding commencement of the case as follows:

1. Division 3 (Judge Federman): Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright;
2. Division 2 (Judge Koger): Benton, Boone, Callaway, Camden, Cole, Cooper, Hickory, Howard, Miller, Moniteau, Morgan, Osage, and Pettis;
3. Division 1 (Judge Venters): Andrew, Atchison, Barton, Barry, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Jasper, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Platte, Putnam, Stone, Sullivan, Vernon, and Worth;
4. Bates, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Ray, Saint Clair, and Saline shall be randomly assigned to all judges presiding in this Court.

C. **Case After Prior Case.** A case filed for a debtor who has had a prior case in this District will be assigned to the judge or division where the prior case was last assigned if the new case is filed within a year after the date the prior case was closed or dismissed or debtor discharged, whichever occurred later.

D. **Related Cases.** Other related cases, whether filed simultaneously or over a period of time, shall be assigned in accordance with Section B above and, if appropriate, transferred to a single judge as provided below.

E. **Transfer.** Bankruptcy cases and proceedings may be transferred from the judge to whom the matter was originally assigned to any other judge of this Court. Transfer of a case or proceeding may be granted upon motion of the Chief Judge or motion of any party or of the transferor judge, for good cause appearing, and with the consent of the transferee judge. Cause to transfer may include, but is not limited to, convenience of the parties or witnesses, and in the interest of justice.

F. **Recusal.** In the event a judge recuses from a case, that case shall be randomly assigned to another judge, provided that cases outside the Kansas City Division shall be reassigned to the judge holding court

closest to the division to which the case was originally assigned.

G. Jointly Administered or Consolidated Cases. Cases that are jointly administered under Fed. R. Bankr. P. 1015 or otherwise consolidated pursuant to order, if assigned to different judges, shall be transferred to the judge with the lowest numbered case.

PART II. ADMINISTRATION

RULE 2002-1. NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

Unless otherwise ordered, pursuant to Fed. R. Bankr. P. 2002 notice shall be given as follows to **all creditors and parties in interest**:

A. The Clerk shall serve the following notices:

1. Order for relief and § 341 meeting of creditors;
2. Hearing date and order for dismissal or conversion to another chapter;
3. The deadline for filing proofs of claim in all chapters and the deadline for filing claims against a surplus in an estate;
4. The deadline for filing § 727 discharge and § 523 dischargeability complaints;
5. Waiver, denial or revocation of a discharge.

B. Movant shall serve the following notices:

1. Application for compensation and/or expenses over \$1000.00;
2. Hearing on approval of a compromise or settlement of a controversy, unless the Court for cause waives notice;
3. Hearing on proposed sale of all or substantially all of debtor's assets;
4. Proposed use, sale or lease of property of the estate other than in the ordinary course of business;
5. Objection deadline or notice of hearing on dismissal or conversion to another chapter;
6. Motions to borrow or to suspend payments with a 20-day objection deadline to creditors;
7. Time to file objections to and hearing on approval of disclosure statement;
8. Time for voting on, filing objections to, and conducting hearing on confirmation of a Chapter 11 plan;

9. Time for filing objections to and conducting hearing on confirmation of a Chapter 12 plan; and
10. Entry of confirmation order of a Chapter 11 or 12 plan.

RULE 2002-2. NOTICE TO THE UNITED STATES OR FEDERAL AGENCY

A. Notice to United States Trustee. The moving party shall serve by e-mail to the United States Trustee all notices relating to the following matters listed in Fed. R. Bankr. P. 9034:

1. the proposed use, sale, or lease of property of the estate if not in the ordinary course of business;
2. approval of a compromise or settlement of a controversy;
3. proposed case terminations, including a report of no distribution, final report or account, dismissal, and conversion;
4. employment of professional persons;
5. compensation or reimbursement of expenses; and
6. objection to waiver or of revocation of a debtor's discharge.

B. Emergency Matters. The moving party shall give telephone notice of an emergency motion or hearing to the United States Trustee immediately upon receiving the date and time of the hearing from the Court.

C. Government Parties. The Clerk inserts in each matrix the Missouri Department of Revenue and trustee. If the United States is a creditor, debtor and other parties shall add the United States Attorney, in addition to the creditor government agency, to lists for service on all creditors.

D. Educational Loans - Service on United States Attorney. If the United States made or guaranteed an educational loan, debtor shall serve a copy of the summons and complaint under § 523(a)(8), pursuant to Fed. R. Bankr. P. 7004, on the United States Attorney in Kansas City, the Attorney General in Washington, D.C., and on the appropriate agency.

RULE 2004-1. DEPOSITIONS AND EXAMINATIONS

A. Scheduling by Notice. Fed. R. Bankr. P. 2004 examinations may be scheduled without motion or order, by filing and serving on the party a notice as in scheduling depositions pursuant to Fed. R. Civ. P. 30(b), or by agreement. **The Court encourages use of this procedure.**

B. Objection to Notice. An objection to examination pursuant to notice must be filed within 10 days.

C. Disputes. The Court will not entertain motions on disputes until parties have complied with the procedure in Local Rule 7026-1.

D. Ex Parte Motion. Motions for Rule 2004 examinations may be granted ex parte. Upon objection, the Court may modify an order.

E. **Videotape.** Examinations may be videotaped pursuant to Fed. R. Bankr. P. 7030.

RULE 2007.1-1 TRUSTEE ELECTIONS (CHAPTER 11)

A. **Request for an Election.** A request to convene a meeting of creditors for the purpose of electing a trustee in a Chapter 11 reorganization case shall be filed and transmitted to the United States Trustee in accordance with Fed. R. Bankr. P. 5005 within the time prescribed by § 1104(b) of the Bankruptcy Code. Pending Court approval of the person elected, a person appointed trustee under § 1104(d) shall serve as trustee.

B. **Manner of Election and Notice.** An election of a trustee under § 1104(b) of the Code shall be conducted in the manner provided in Fed. R. Bankr. P. 2003(b)(3) and 2006. Notice of the meeting of creditors convened under § 1104(b) shall be given in the manner and within the time provided for notices under Fed. R. Bankr. P. 2002(a). A proxy for the purpose of voting in the election may be solicited by a committee appointed under § 1102 of the Code and by any other party entitled to solicit a proxy under Fed. R. Bankr. P. 2006.

C. **Application for Approval of Appointment and Resolution of Disputes.** If it is not necessary to resolve a dispute regarding the election of the trustee or if all disputes have been resolved by the Court, the United States Trustee shall promptly appoint the person elected to be trustee and file an application for approval of the appointment of the elected person under Fed. R. Bankr. P. 2007.1(b), except that the application does not have to contain names of parties in interest with whom the United States Trustee has consulted. If it is necessary to resolve a dispute regarding the election, the United States Trustee shall promptly file a report informing the Court of the dispute. If no motion for the resolution of the dispute is filed within 10 days after the date of the creditors' meeting called under § 1104(b), a person appointed by the United States Trustee in accordance with § 1104(d) of the Code and approved in accordance with Fed. R. Bankr. P. 2007.1(b) shall serve as trustee.

RULE 2015-2. DEBTOR-IN-POSSESSION DUTIES

A. **Statement.** A debtor-in-possession, that plans to operate a business shall file **with the petition** a statement as follows:

1. Whether a trustee or creditors committee was appointed in a prior bankruptcy case and, if so, their names and addresses;
2. Nature and status of each action or proceeding pending or threatened against debtor or his property, where a judgment against debtor or seizure of his property may be imminent;
3. All of debtor's property in possession or custody of a public officer, receiver, trustee, assignee for the benefit of creditors, mortgagee, pledgee, or assignee of rents; names and addresses of such persons; the court in which proceedings are pending; and the status of proceedings;
4. Whether debtor is occupying premises under a lease; if so, the length of term, rent reserved, amount owing for rent, and status of any negotiations for modification of the lease and with whom;

5. Name and address of each utility providing service to debtor. Debtor shall serve a copy of the petition on each utility and certify service in the statement required herein.

B. Operating Statement. Debtor shall file **with the petition** a projected operating statement with the following information **for the 30-day period following filing of the petition**:

1. Estimated gross revenue;
2. Estimated weekly payroll to employees;
3. Estimated operating expenses not including payroll to employees; and
4. Expected gain or loss.

C. Reports to the Court. Debtor shall file with the Court a monthly operating report summary on the form shown in **Appendix 2-15**.

D. Reports to the United States Trustee. Debtor shall submit to the United States Trustee monthly reports of operation on the form provided by the United States Trustee and shall provide such other information as the United States Trustee may reasonably require. Relief from the duty to provide reports or information may be sought by application to the Court.

E. Failure to File Reports Cause for Dismissal or Conversion. Failure to file the reports required under Sections C or D is cause for dismissal of the case or conversion to chapter 7 under § 1112(b), §1208, or other applicable law.

RULE 2015-6. AUTHORIZED DEPOSITORIES

A. Required Accounts. A debtor-in-possession or trustee which operates a business shall immediately deposit funds then held or thereafter received in a depository authorized by the United States Trustee. Accounts must not exceed the insured or collateralized limits of the financial institution. Funds shall be segregated into at least two accounts, as follows:

1. Tax account: all funds received or collected for the United States, any state or political subdivision for sales, withholding, social security, or other taxes or contributions; and
2. General debtor-in-possession account: as set out in the United States Trustee guidelines for Chapter 11 debtors.

B. Additional Accounts. Additional accounts may be opened as appropriate, such as: cash collateral account, if a creditor has an interest in cash collateral pursuant to § 363(a), into which funds must be deposited and which funds cannot be used without order of the Court or agreement of the creditor; payroll account if there are employees; and household account.

RULE 2016-1. COMPENSATION OF PROFESSIONALS

A. Prepetition Retainers. The disclosure of amount of retainer for initial filing by debtor's counsel pursuant to § 329 and Fed. R. Bankr. P. 2016(b) shall be filed with the petition and served on the United

States Trustee and any trustee. All professionals shall deposit retainers, whether received from debtor or any other source, in a trust account, and may withdraw and apply funds only after a fee application and order. Until the case is closed by final decree, debtor's counsel is under a duty to disclose all subsequent payments by filing a supplemental statement as required by Fed. R. Bankr. P. 2016(b).

B. When Application Unnecessary. If counsel's total fee in a case is \$1,500 or less, the disclosure of fees in initial filings is sufficient and it is unnecessary to file any itemized application. If counsel for the debtor in Chapter 13 elects to receive their attorney fees through the Chapter 13 plan, the Chapter 13 trustee shall pay debtor's counsel upon confirmation of the plan the sum of \$600 before all other creditors, as funds become available. The balance of the original attorney fees shall accrue beginning the first month after the initial \$600 of attorney's fees is scheduled to be paid and shall be paid at the rate of \$50 per month, as funds become available.

C. Service of Application. Applications for professional fees and expenses shall be served on debtor's counsel, the trustee, United States Trustee, committees, and parties who requested receipt of notices. The detailed, itemized statement required by Fed. R. Bankr. P. 2016(a) shall be filed with the application and notice. The applicant is responsible to ensure that the itemized statement is made PDF compatible for filing under the ECF system.

D. Applications Over \$1,000. For applications over \$1,000, in addition to service in Paragraph C, applicant shall serve on all creditors a notice (**Appendix 2-16**) stating: the amount of fees and expenses sought; period covered; number of previous applications filed; amounts of compensation previously sought and allowed; original retainer and balance; that parties have 20 days to object, if no objections are filed the Court may enter an order, and if objections are filed the Court may set a hearing.

E. Post-Confirmation Attorney's Fees in Chapter 13 Cases. Additional attorney's fees, if any, for post-confirmation services shall be paid according to the following flat fee schedule in the following amount and manner:

\$150 Motions to suspend or abate payments (\$75 to file + \$75 if appear in Court)

\$125 Motions to incur additional debt

\$100 Motions to distribute insurance proceeds

\$150 Defense of Motions for Relief from the Automatic Stay (\$75 to respond + \$75 if appear in Court)

\$100 Defense of Motions to Dismiss

\$125 Amendments to the Chapter 13 Plan

\$125 Amendments to Schedules I & J

\$ 75 Filing Proofs of Claim on behalf of creditors

\$ 75 Objections to Unsecured Proofs of Claim

- \$150 Objections to Secured Proofs of Claim (\$75 to file + \$75 if a response is filed by the creditor)
- \$150 Notice of Amendment of Schedule of Debts and Addition of Creditors, including all Required Amendments to the Schedules and Matrix
- \$150 Motions to Sell Property (\$75 to file + \$75 if appear in Court)
- \$ 75 Motions to Employ Counsel/Professional
- \$150 Motions to Approve Settlement/Allow Use of Settlement (\$75 to file + \$75 if appear in Court)
- \$150 Motions for Emergency Refund (\$75 to file + \$75 if appear in Court)
- \$100 Motions to Vacate or Set Aside Order
- \$ 75 Motions for Emergency Hearing
- \$ 75 Appearance at Hearing Due to Trustee's Request for Hearing Based on Debtor's Failure to Cooperate
- \$175 Amendments to Schedules I and J with Business Attachments

Debtor's counsel may also request reimbursement for expenses, in addition to the above fee schedule, at the rate of up to \$0.20 per copy and any postage costs that counsel incurs. Debtor's counsel must include the number of copies, the postage rate, and the number of items mailed in the request for post - confirmation fees.

Any deviation from the above fee schedule shall be made by a motion to the Court and supported with detailed time and expense records. The Chapter 13 trustee shall pay any additional attorney's fees in the first monthly disbursement following approval, or as soon as funds become available.

RULE 2090-1. ATTORNEYS - ADMISSION TO PRACTICE

A. Attorney Admission; Discipline. Standards and requirements stated in the Local Rules of the District Court are adopted for attorney admission, discipline and unauthorized practice in the Bankruptcy Court.

B. Local Counsel for Member of Bar. If a party's counsel is a member of this Bar whose office is a great distance from court, counsel may be required to retain a local attorney who is a member of this Bar to be available for unscheduled meetings and hearings.

C. Visiting Counsel. An attorney who is not a member of this Bar, but is a member in good standing of the Bar of any court of record, may be permitted to appear in a case as follows:

1. Visiting counsel shall file a Motion for Admission Pro Hac Vice designating a member of the Bar of this Court with a law office in the District and division, upon whom service of all papers may be made. The Bar member shall consent to the designation in writing and be listed thereafter on all pleadings. The Court may dismiss a proceeding for failure to comply with this Rule.

2. Admission to appear as visiting counsel in a particular case does not authorize visiting counsel to appear in any other case(s) without first complying with this Rule as to such other case(s).

D. Government Counsel. A U.S. government attorney may appear without motion for admission. If not a resident in this District, he shall designate the United States Attorney in this District to receive service of all documents.

E. Former Law Clerk. An attorney who has been a law clerk to a judge shall not work on a case which was pending before the judge during the clerkship. Breach of this Rule may disqualify the attorney and firm. The employer shall implement procedures so the attorney does not work on cases pending during the clerkship. For one year after a clerk leaves the judge's employ, that clerk shall not work on any newly-filed case assigned to the judge, as follows:

1. If the clerk: a) prepared or assisted on a petition for relief which is assigned at time of filing to the judge, or b) participated in a case or proceeding for any party after filing and before assignment to the judge, the firm shall advise the judge and the judge shall recuse.
2. If the clerk begins work on a matter after assignment to the judge, the firm shall advise the judge, and the clerk and firm will be disqualified from further participation.

F. Appearance Without Counsel.

1. Individual. An individual may appear and represent himself in any proceeding or hearing in Bankruptcy Court.
2. Other Entities. An entity that is not an individual, including a corporation, partnership or trust, may not file a petition for relief or participate as a debtor, creditor, or party in interest in any proceeding involving presentation of evidence or argument to the Court except by an attorney.
3. Exceptions. This Rule does not prohibit such entity from appearing at a § 341 meeting, filing a claim, voting on a Chapter 11 plan, or voting to elect a trustee without an attorney.

RULE 2091-1. ATTORNEYS - WITHDRAWAL

An attorney of record may withdraw only by Court permission, by an order entered after service of notice of withdrawal on the client, other counsel of record, the trustee, if any, and the United States Trustee. An order will not be entered until new counsel enters an appearance, except for good cause.

PART III. CLAIMS; PLANS

RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL

Proofs of claim may be filed with the Court electronically (**Appendix 3-01**). Each filed claim shall include, as an exhibit, a summary of all documents that support the claim (**Appendix 3-01**). In cases under Chapters 9, 11, and 12, a legible copy of the claim and each supporting document shall be served conventionally on the debtor and, if applicable, the trustee concurrently with the electronic filing of the

claim. In Chapter 7 cases, a legible copy of the claim and each supporting document shall be served on the trustee. Proofs of claim in Chapter 13 cases are subject to the requirements of Local Rule 3084-1. Failure to serve the trustee or debtor as required shall be a basis to disallow the claim.

If before the claims deadline a creditor files and serves a **notice** stating why it is unable to file or amend a claim by the deadline, it shall have one 30-day extension without motion or order.

RULE 3003-1. DEADLINE FOR PROOFS OF CLAIM IN CHAPTER 9 AND 11 CASES

Creditors required by Fed. R. Bankr. P. 3003 to file claims must file such claims prior to the deadline, which deadline shall be specified in a notice or order served on creditors. Within the discretion of the Court, such deadline may be specified in the §341 meeting notice.

RULE 3007-1. CLAIMS - OBJECTIONS

A. Omnibus Objection. Objections to claims may be contained in one or more omnibus objections. The recommended form of objection is contained in **Appendix 3-07**. This Rule applies to trustees serving under chapters 7, 11 and 12, and debtors-in-possession under chapter 11.

B. Procedure for Objections to Claims: Response Filed. A claimant shall have 30 days after service of the objection in which to file a response. The response shall be in writing and state with particularity why the claimant believes the claim is valid and should be allowed. If a response is filed, the Court will schedule a hearing. If no timely response is filed, the court will enter an order sustaining the objection as to the claimant and disallowing such claim.

C. Procedure for Objections to Claims: Amended Claim Filed. A claimant may elect to file an amended claim in an effort to address a trustee's objection. The filing of an amended claim is suggested when the trustee's objection goes to the form of the claim (e.g., insufficient documentation to support claim). If the trustee has further objection to the amended claim, an objection to such amended claim shall be filed; otherwise, the amended claim will be allowed.

D. Separate Objection Permitted When Trustee Seeks Affirmative Relief. The trustee may file a separate objection and request for hearing with respect to a particular claim when, for instance, the trustee desires to assert a counterclaim or seek other affirmative relief against the claimant.

RULE 3010-1. SMALL DIVIDENDS AND PAYMENTS

In accordance with the authority granted under Fed. R. Bankr. P. 3010, a trustee in a Chapter 7 case may pay out dividends that are less than \$5.00. In a Chapter 7 case with ten or fewer creditors scheduled to receive a dividend of less than \$5.00, the trustee shall distribute the funds. In a Chapter 7 case with more than ten creditors scheduled to receive a dividend of less than \$5.00, the trustee, in his discretion, may pay out the funds or treat them in the same manner as unclaimed funds as provided in § 347 of the Code.

RULE 3011-1. UNCLAIMED FUNDS

After a final distribution has been made, and after the filing of a Motion to Pay Into the Court Registry and

the entry of an order approving the motion, funds for creditors who could not be located shall be paid into the Court Registry by the trustee/debtor-in-possession with a listing showing name, address and amount. A creditor whose funds were paid into the registry may file and serve on the trustee, United States Trustee and debtor's attorney a motion for distribution from funds in the registry.

RULE 3016-1. CHAPTER 11 PLAN

A. **Filing.** Unless otherwise required by the Bankruptcy Code or Court order, a Chapter 11 debtor shall file a plan and disclosure statement within 120 days after filing of the petition. If debtor seeks an extension of time to file a plan or of the exclusive period to file a plan, debtor shall file a motion for extension before expiration of the 120 days, stating the reason a plan has not been filed and a schedule of steps to be taken to file a plan.

B. **Failure to File.** Upon debtor's failure to comply with this Rule, the Court may dismiss the case or convert it to Chapter 7.

RULE 3016-2. DISCLOSURE STATEMENT - GENERAL

A. **Disclosure Statement.** Chapter 11 disclosure statements must include at least three years each of detailed financial operating histories and operating projections, including projected plan payments and tax consequences. Data for longer or shorter periods may be required.

B. Approval of Disclosure Statement.

1. Conditional Approval. The Court may conditionally approve a disclosure statement. On or before conditional approval of the disclosure statement, the Court shall:
 - a. fix a time for filing objections to the disclosure statement;
 - b. fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed;
 - c. fix a date for the hearing on confirmation; and
 - d. fix a time within which the holders of claims and interests may accept or reject the plan.
2. Application of Fed. R. Bankr. P. 3017. If the disclosure statement is conditionally approved, Fed. R. Bankr. P. 3017(a) and (e) do not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying Fed. R. Bankr. P. 3017(d).
3. Objections and Hearing on Final Approval. Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with Fed. R. Bankr. P. 2002 and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the United States Trustee, and served on the debtor, the trustee, any committee appointed under the Bankruptcy Code, and any other entity designated by the Court at any time before final approval of the disclosure statement or by an earlier date as the Court may fix. If a timely objection to the

disclosure statement is filed, the Court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.

RULE 3022-1. FINAL DECREE IN CHAPTER 11 CASE

As soon as practicable after the confirmed plan has been substantially consummated and the estate has been fully administered, the reorganized debtor, trustee, or other responsible party as designated in the confirmed plan shall file a Chapter 11 Final Report and Application for Final Decree. The recommended form of the report and application is shown in **Appendix 3-22**.

RULE 3070-1. CHAPTER 13 DIRECT PAYMENTS

All payments must be through the plan unless the Court orders or the trustee agrees otherwise, except debtors may pay directly: 1) unmodified payments on a note secured by debtor's residence; 2) ongoing support obligations pursuant to a court decree; and 3) payments to an employer's credit union by payroll deduction.

RULE 3080-1. CHAPTER 13 - GENERAL

All pleadings, including amended plans and orders filed in Chapter 13 cases, shall be served on the Chapter 13 trustee and debtor's attorney (or debtor, if appearing pro se).

RULE 3081-1. CHAPTER 13 CLOSING BEFORE CONFIRMATION

In cases which close before confirmation of a plan, the Chapter 13 trustee may collect from the funds on deposit with the Chapter 13 trustee a \$100.00 fee for expenses.

RULE 3083-1. CHAPTER 13 PLAN; OBJECTIONS TO PLAN

A. **Plan Summary.** Each Chapter 13 plan must be filed with a plan summary or a combination plan/plan summary with all the information in the form in **Appendix 3-83**. Debtor shall serve the plan and summary on all creditors when the plan is filed and shall serve amended plans on all affected creditors.

B. **Service of the Plan Summary.** The plan or summary shall be served on the United States Attorney and the appropriate agency when the United States is a party in interest.

C. **Plan Modifications.** The plan may be modified by debtor or the trustee at the § 341 meeting without notice to claimants.

D. **Plan Percentages.** Debtor must use 10% of receipts, the statutory maximum, for trustee fees when calculating plans. The actual percent, set by the Attorney General pursuant to statute, may vary during the plan.

E. **Objections to Plans.** It is the duty of affected creditors and not the trustee to file objections to confirmation of plans and amended plans on all grounds for non-confirmation. The trustee may also object. Unless otherwise noticed, objections to plan confirmation must be filed within 20 days after conclusion of the § 341 meeting of creditors.

F. Incorporation of the Plan Summary. If the Chapter 13 plan does not incorporate the plan summary by reference, to the extent there are inconsistencies between the plan and plan summary, the provisions of the summary are deemed to be the provisions of the plan.

G. Amended Plans. Amended Chapter 13 plans must be in the hands of the trustee, any affected creditors, and the creditor's attorney, if an entry of appearance has been entered, at least three working days prior to the scheduled hearing on the plan, or confirmation will be automatically denied. If debtor's counsel does not meet the three-day deadline, counsel must contact the creditor/creditor's attorney and advise that confirmation will be automatically denied at the scheduled hearing and that they need not attend. If debtor's counsel fails to so notify the creditor/creditor's attorney, counsel is subject to sanctions for that failure.

H. Wage Order to Employer.

1. The Chapter 13 trustee may cause a wage order to be issued in a Chapter 13 case at any time the plan payments are more than 30 days delinquent. The 30- day delinquency is measured pursuant to § 1326 (a)(1). The debtor shall provide on Schedule I the full address for the debtor's payroll department to which the Chapter 13 trustee may cause a wage order to be issued, and shall amend Schedule I if their employment changes.
2. In the event the debtor wants a wage order to the employer vacated, the debtor must file a motion to vacate the order and demonstrate that appropriate circumstances exist for the debtor's direct remittance of plan payments.

RULE 3084-1. CHAPTER 13 PROOFS OF CLAIM; OBJECTIONS TO CLAIMS

A. File in Duplicate. Chapter 13 claims may be filed electronically with the Clerk **and** served on debtor's counsel. Each filed claim shall include as an exhibit a summary of all documents that support the claim (**Appendix 3-01**). The claim, with attachments, must be served conventionally on the Chapter 13 trustee and on debtor's counsel, including notice of transfer of claim, as required by Fed. R. Bankr. P. 3001(e).

B. Claims Register. The Court will maintain the claims register electronically.

C. Classification. If a claim does not state whether it is secured, priority, or general unsecured, it will be deemed a general unsecured claim unless it is apparent from attachments that it is a perfected secured claim.

D. Secured Claim. A secured claim must state a fair market value for each item of collateral. The trustee will use the creditor's fair market value, or debtor's value if the creditor does not provide one. Listing the amount of debt on the "secured" line of the claim does not constitute providing the fair market value.

E. Interest on Secured Claims. All filed and allowed secured claims will be paid interest at the applicable rate unless the plan/plan summary **specifically** provides for "**zero**" interest. Absent Court order to the contrary, the "Chapter 13 Rate" referenced below shall be the applicable rate.

1. Filed and allowed oversecured claimants shall receive their contract rate of interest, if provided

on or with the proof of claim, from the date of the petition up to the date of confirmation. From the date of confirmation forward, filed and allowed oversecured claimants shall receive the posted "**CHAPTER 13 RATE.**" If the contract rate is not provided on the proof of claim, such a claimant will receive the posted "**CHAPTER 13 RATE**" from the date of the petition forward.

An oversecured claim is one in which the fair market value of the collateral exceeds the total amount of the claim.

2. Filed and allowed undersecured claimants and filed and allowed fully secured claimants shall receive the posted "**CHAPTER 13 RATE**" from the date of the petition forward on the secured portions of their claims.
 - a. A fully secured claim is one in which the fair market value of the collateral equals the total amount of the claim.
 - b. An undersecured claim is one in which the fair market value of the collateral is less than the total amount of the claim.
3. A claim secured only by real estate which is the debtor's principal residence, shall receive its contract rate of interest from the date of the petition forward, if provided on the proof of claim; otherwise it will receive the posted "**CHAPTER 13 RATE.**"
 - a. For adjustable rate mortgages, the trustee shall use the interest rate provided in the plan/plan summary. If the debtor's plan/plan summary does not provide an interest rate, the trustee shall use the appropriate posted "**CHAPTER 13 RATE.**"
 - b. If the adjustable rate changes, it is the responsibility of the debtor or the creditor to notify the trustee of the new interest rate so that the claim can be adjusted accordingly.
4. The posted "**CHAPTER 13 RATE**" shall be determined by the standing Chapter 13 trustee for the Western District of Missouri semi-annually as follows:
 - a. July 1 to December 31: For cases with the initial plan filed between July 1 and December 31, the interest rate shall be the 5 year treasury note rate as of the preceding June 1, plus 3% nominal interest rate per annum. The standing Chapter 13 trustee shall make the rate for the ensuing six-month period available to the Clerk of the Bankruptcy Court for posting for the first business day following June 10.
 - b. January 1 to June 30: For cases with the initial plan filed between January 1 and June 30, the interest rate shall be the 5 year treasury note rate as of the preceding December 1, plus 3% nominal interest rate per annum. The standing Chapter 13 trustee shall make the rate for the ensuing six-month period available to the Clerk of the Bankruptcy Court for posting for the first business day following December 10 of the preceding year.
5. THE POSTED "CHAPTER 13 RATE" IN EFFECT AT THE TIME OF FILING OF THE INITIAL PLAN SHALL REMAIN IN EFFECT THROUGHOUT THE ENTIRE LIFE OF

THE CASE.

6. The posted Chapter 13 rate is, absent evidence to the contrary, presumed to be the applicable rate. Parties may introduce evidence to determine what the applicable market rate of interest might otherwise be, on a case-by-case basis.

F. **Objections.** It shall be the debtor's duty, and not the trustee's, to file objections to claims. The debtor must serve the objection on the claimant, claimant's attorney and the trustee.

G. **Claims Allowed.** All Chapter 13 claims will be allowed as filed absent timely objection by debtor. Claims will be paid according to the notice allowing claims.

H. **Claim Amount.** If the face of the filed proof of claim does not clearly state an amount owed, the trustee will load the claim amount as zero.

RULE 3085-1. NOTICE TO ALLOW CLAIMS

A. **Trustee Notice.** After confirmation of the plan and after the claims deadline, the trustee shall file a notice to allow claims. The trustee will serve the notice on debtor and debtor's attorney. The trustee will mail to each scheduled creditor or claimant with a filed claim an "Acknowledgment of Claim and Notice of Proposed Treatment of Claim." Thereafter, if the trustee loads a claim which was not on the original notice to allow claims, the trustee shall file and serve a notice to allow the amended or additional claim.

B. **Response.** Claims will be deemed allowed as listed in the notice unless, within 30 days, debtor or a creditor files and serves an objection on the trustee and debtor's attorney.

RULE 3086-1. PAYMENT OF CLAIM AFTER LIFTING OF STAY; ADEQUATE PROTECTION

A. **Order Lifting Stay.** If an order lifting the stay is entered the trustee shall adjust the claims relating to that collateral to the amount paid to the date the trustee received the order; make no further payments on the claims; and notify the parties of this action. If the parties agree for debtor to retain the property, they shall notify the trustee in writing so the claims can be reset and payments resumed.

B. **Adequate Protection Order.** Payments remitted by the trustee pursuant to an adequate protection order will be disbursed after the order becomes final and generally during the month-end processing period. Upon confirmation of the plan, the adequate protection order shall terminate and the creditor will be paid pursuant to the terms of the confirmed plan.

RULE 3087-1. GARNISHMENT PROCEEDS

Any proceeds which the Chapter 13 trustee receives from the release of a garnishment, absent a prior specific order of the Bankruptcy Court, shall be held by the Chapter 13 trustee for credit towards the debtor's plan payments.

RULE 3088-1. CHAPTER 13 EMERGENCY REFUNDS AND BORROWING

A. **Emergency Refunds.** The Chapter 13 trustee may issue refunds from property of the estate in an

amount up to one monthly payment per year if the application states the reason for the refund, and the refund will not affect payments to secured creditors with fixed monthly payments. A request to miss a payment will be considered an emergency refund.

B. Debtor Refunds. Debtor refunds issued to a debtor pursuant to an order of the Court will be issued after the order becomes final.

C. Emergency Borrowing. The Chapter 13 trustee may grant debtor permission to borrow sums under \$1,000.00 per request. The application must state the amount requested, terms of payment, and the purpose of the loan.

RULE 3089-1. REFUNDS IN DISMISSED AND CONVERTED CASES

If a plan payment is received on or before the date of the order of dismissal or conversion in a confirmed plan, those funds will be disbursed to creditors pursuant to the terms of the confirmed plan.

RULE 3090-1. STATEMENT REGARDING FILING OF TAX RETURNS

The debtor is required to provide the trustee with a statement, written or oral, at the § 341(a) Meeting of Creditors regarding whether tax returns are current or, if not current, whether satisfactory arrangements have been made with the taxing authority.

RULE 3091-1. DISBURSEMENT OF INSURANCE PROCEEDS

A. The debtor must seek approval from the Court to disburse insurance proceeds to any creditor secured by collateral related to the insurance proceeds. Debtor's counsel must serve the motion to disburse insurance proceeds on the trustee, the lienholder, and on the insurance company.

B. If the secured creditor holding the lien on the collateral is being paid through the trustee's office, all insurance proceeds disbursed to that secured creditor must be paid through the trustee's office.

RULE 3092-1. EXECUTORY CONTRACTS AND LEASES

It is the debtor's responsibility, and not the trustee's, to assume, reject, or assign an executory contract or unexpired lease and to properly and timely serve same on the affected parties.

RULE 3093-1. PLAN PAYMENT SUSPENSION

For purposes of Chapter 13, any order granting an abatement, waiver, or suspension, does not eliminate the payment; rather it adds the payment onto the end of the plan unless the order specifically provides otherwise. The granting of an abatement, waiver, or suspension is without prejudice to the rights of any secured creditor to seek a lift of the stay or other appropriate relief.

PART IV. THE DEBTOR; DUTIES

RULE 4001-1. AUTOMATIC STAY - RELIEF FROM

A. **Notice; Default.** When a motion for stay relief, adequate protection, redemption, or lien avoidance is filed, the Court will issue an order setting an answer date and a hearing date if an answer is filed. If

respondent does not timely file an answer, the motion is deemed submitted and the Court may enter a final order.

B. Motion for Stay Relief; Contents. A motion for relief from the automatic stay shall state the amount of the balance due of principal and interest as of the date of the bankruptcy petition, and the amount of the arrearage due after default. In addition, in Chapter 7 cases, if the motion is filed prior to the §341 Meeting of Creditors, the motion shall state an estimate of the value of the collateral.

C. Exhibits; Witnesses. Three days before the hearing, parties shall mark and exchange all exhibits which may be offered and exchange a list of witnesses who may be called. Movant's exhibits should be marked with numbers, and respondent's with letters. An Exhibit Index (**Appendix 7-16**) on the Court form must be submitted at the hearing.

D Order. Proposed orders may be submitted by e-mail or on diskette as the Court may direct.

E. Adequate Protection. If debtor intends to make an offer of adequate protection, it shall be stated in the answer.

F. Trustee; Service of Documents. A trustee is a party in interest and must be timely served with the motion for relief and all documents supporting the motion. Movant shall serve legible paper copies of all documents evidencing perfection of security interests on the trustee and debtor's counsel at the time of the filing of the motion for relief or promptly thereafter. Service shall be certified on the motion for relief (**Appendix 3-01**). Movant's failure to serve the trustee and debtor's counsel under this rule may result in delay in the hearing on the motion for relief or denial of the motion.

G. Mechanics Liens. The stay is modified without motion or order to allow filing of a notice to preserve a mechanics lien. Before proceeding with further action thereafter, the party must file a motion and obtain an order modifying the stay.

H. Negotiations with Governmental Agencies. If a farm debtor borrowed from a governmental agency, the stay is modified without motion or order to allow debtor and that agency to negotiate and submit applications for loan servicing options pursuant to agency regulations. Debtor shall file and serve on all creditors a Notice of Intent to Enter Into Loan Service Agreement, with the opportunity to object, stating the terms of the proposed agreement, at least 20 days before entering into such agreement.

RULE 4002-1. DEBTOR - DUTIES

A. Request. Within 10 days after a trustee requests information at the § 341 meeting or in writing, debtor shall: 1) serve on the trustee a response with the information; or 2) file and serve an objection with specific grounds and a copy of the trustee's request, and request a conference or hearing. Parties shall file these items only if an objection is filed or the response is an amendment to pleadings such as schedules.

B. Copies. Debtor's counsel shall promptly provide to interested parties on request copies of schedules and similar pleadings filed with the Court. If the items are not required to be served, counsel may charge a reasonable amount for copying and mailing.

C. Collateral Inspection. Debtor shall grant a secured creditor's reasonable request to inspect

collateral without motion. If the request is made in preparation for a hearing, the inspection shall be permitted within five days of such request and, in any event, not less than two days prior to the hearing.

RULE 4003-1. GARNISHMENTS

A. Pre-petition Garnishments/Lien Avoidance. Pre-petition property of a debtor subject to a writ of garnishment may be subject to a claim of exemption. If so, debtor's counsel may file a motion to avoid the garnishor's lien, pursuant to § 522(f), and serve the motion upon garnishor (or the garnishor's counsel, if known), the trustee, and the United States Trustee.

B. Post-Petition Garnishment. A writ of garnishment as to post-petition property of a debtor for a pre-petition debt violates the automatic stay, unless the case is under Chapter 13 and the garnishment is to enforce an order for alimony, maintenance, or support to a spouse, former spouse, or child. Debtor or debtor's counsel may file a Motion for Order of Release of Writ of Garnishment as to Wages (**Appendix 4-03**) earned and paid after the date of the filing of the Chapter 7 bankruptcy petition. The motion shall be served on the garnishor or the garnishor's counsel, if known, the garnishee, the trustee, and the United States Trustee.

RULE 4004-1. DISCHARGE HEARINGS

A hearing under § 524(d) on discharge or postpetition agreements in Chapter 7 will be held only on motion of debtor or other party unless required by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure.

RULE 4004-2. EXTENSIONS OF TIME TO FILE OBJECTIONS TO DISCHARGE / DISCHARGEABILITY

A party filing a motion to extend the time for the filing of a complaint objecting to discharge, or to determine the dischargeability of a debt, shall, on the date of the filing of such motion, serve the motion on debtor and counsel for the debtor. A hearing on such motion shall be held if an objection to the motion, or a request for hearing, is filed by debtor within 20 days after service of such motion.

RULE 4070-1. INSURANCE

A. Debtor-in-Possession. Debtors-in-possession in any Chapter shall insure all estate assets against physical damage and loss with policy limits covering asset values stated in debtor's schedules; maintain liability coverage for operations and businesses; and as appropriate or customary for the industry, maintain additional types of insurance (e.g. workers compensation, products liability, or professional liability).

B. Proof of Insurance. Upon request of an interested party, trustee or United States Trustee, debtor shall provide proof of insurance, which shall include a certificate of insurance, binder, or other document from the carrier stating amounts, types and period of coverage, and notation of any secured party as loss payee. Failure to provide proof presumes no insurance is in effect.

C. Noncompliance. Failure to maintain insurance as required herein or to produce proof of insurance shall be grounds for dismissal or conversion, or relief from the automatic stay.

D. Motor Vehicles. For a motor vehicle retained by debtor and subject to a creditor's allowed secured claim (including a mobile home or trailer designed for or capable of travel on public roads) in addition to requirements stated in Paragraphs A, B and C, if debtor fails to provide proof of insurance or for any reason insurance terminates, debtor is enjoined from using the vehicle so long as it is uninsured and the following applies:

1. The secured creditor shall serve debtor, personally or by mail, at the address in the bankruptcy petition, and debtor's attorney, written notice of the lapse of insurance.
2. If debtor fails to provide the creditor proof of insurance within three business days after service of the notice in subsection (1), debtor shall surrender the vehicle or the secured creditor may take possession and hold it pending presentation of proof of insurance.
3. Within five days after taking possession of a vehicle pursuant to subsection (2), the creditor shall file a motion for lift of stay, with an affidavit stating compliance with this Rule. The Court may grant the creditor relief from § 362 without further hearing or notice.
4. Absent agreement between the debtor and the lienholder, the debtor shall prepay at least three months of insurance on the vehicle; the collision and comprehensive deductible shall not exceed five hundred dollars (\$500); and the insurance policy shall name the lienholder as a loss payee.

E. Motor Vehicle; When Lien is Disputed. If a lien on a motor vehicle is disputed or the subject of a trustee's complaint to avoid lien and the debtor retains possession of the vehicle, the debtor is responsible for insuring the vehicle until such time as the lien issue is decided by the Court or until the vehicle is turned over to the trustee or alleged secured creditor. If the debtor fails to provide proof of insurance to the trustee, the trustee may take such action as necessary to protect the vehicle and estate.

F. Motor Vehicle; Defined. For purposes of this Rule, the term Motor Vehicle shall include an automobile, truck, recreational vehicle, all terrain vehicle, motorcycle, trailer, mobile home designed for or capable of transport on public roads, airplane, and motorized boat.

PART V. COURT AND CLERK

RULE 5005-1. FILING AND TRANSMITTAL OF PAPERS

A. Service of Documents and Orders by Electronic Means. In accordance with the Court's standing General Order for Electronic Case Filing Procedures (**Appendix 5-05**) which is incorporated by reference herein, electronic transmission of a document or order to the Electronic Filing System, together with the transmission of a Notice of Electronic Filing from the Court's transmission facilities, constitutes filing of the document or order for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and constitutes entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9022.

B. Procedures. The Court will accept for filing those documents submitted, signed or

verified by electronic means that comply with procedures established by the Court and incorporated in these Rules or otherwise specified in its current ECF Administrative Procedures.

C. Procedures for Pro Se and Non-Registered Filers. Procedures for the filing of documents by pro se parties and non-registered filers are set out in **PART X, REQUIREMENTS AND PROCEDURES FOR PRO SE FILERS**.

RULE 5009-1. TRUSTEE'S DISTRIBUTION, REPORT AND FINAL DECREE

A. Trustee's Final Report and Proposed Distribution. As soon as practicable after completing administration of a Chapter 7 asset case, the trustee shall submit to the United States Trustee a Trustee's Final Report and Proposed Distribution (TFR) in the form prescribed by the United States Trustee. Within 60 days of submission of the TFR, the United States Trustee will file with the Court the TFR as submitted, return the TFR to the trustee for revision and re-submission to the United States Trustee, or file with the Court an objection to the TFR.

B. Service of Summary and Notice of Proposed Distribution. Promptly after the TFR is filed with the Court, the trustee shall serve a Summary and Notice of Proposed Distribution upon the creditors and interested parties appearing on the Court's matrix. Creditors and interested parties have 25 days after service of the Summary and Notice of Proposed Distribution to file objections.

C. Commencement of Distribution. The trustee shall commence distribution to creditors within 15 days of the Court's order approving the TFR.

D. Trustee's Distribution Report and Certification of Zero Balance. Within 125 days after the date of the Court's order approving the TFR, the trustee shall submit to the United States Trustee the Trustee's Distribution Report and Certification of Zero Balance (TDR) in the form prescribed by the United States Trustee. Within 30 days of submission of the TDR, the UST will file the TDR as submitted or return the TDR to the trustee for revision and re-submission to the United States Trustee.

E. Final Decree. After filing of the TDR, the Court will enter a Final Decree closing the case and discharging the trustee.

RULE 5010-1. REOPENING CASES

A. Fee. A motion to reopen a closed case shall be accompanied by a fee in the same amount as the current filing fee for the case, not including the administrative fee. If a trustee files a motion to reopen, payment of the fee may, upon motion, be deferred until assets are recovered, or may be waived.

B. Assignment. The motion will be assigned to the judge or division to which the case was last assigned before closing.

C. Service. On a motion to reopen to add a creditor, debtor shall file and serve upon such creditor a notice (**Appendix 5-10**) that the affected creditor must object within 30 days after service and that thereafter, the case will be reclosed, pursuant to Paragraph D.

D. Reclosing. A motion to reopen to add a creditor may be granted ex parte. Within 30 days after the

order to reopen, a creditor who objects to the addition or to the dischargeability of its debt, or the discharge of debtor, shall file an appropriate motion or adversary action. If no pleadings are filed, the claims of added creditors will be discharged and the case reclosed without further notice.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

RULE 6004-1. SALE OF ESTATE PROPERTY

A. A trustee may sell, without first filing a notice of intent to sell, any item of property of the estate which is: 1) not exempt; 2) not subject to any lien, dispute as to ownership or other interest as referenced in Fed. R. Bankr. P. 6004(c); and 3) a single item or group of items listed in the schedules as having a value of \$1,000 or less.

B. Within 20 days after a sale, the trustee shall file a report of sale specifying the property sold, price and other relevant terms, date of sale, and purchaser's name and address.

RULE 6007-1. ABANDONMENT

The § 341 notice shall include notice that at the meeting of creditors a trustee may announce the intent to abandon specific property if it is burdensome or inconsequential to the estate. Objections to abandonment must be filed and served on the trustee within 15 days after the meeting at which the property is proposed to be abandoned.

PART VII. ADVERSARY PROCEEDINGS; CONTESTED MATTERS

RULE 7004-1. SERVICE OF PROCESS

A. **Service.** In accordance with Fed. R. Bankr. P. 7004, service of process in an adversary action must be made on either the debtor or the debtor's agent, where applicable.

B. **Agent.** When a petition for relief is filed in any Chapter, debtor shall file a designation of debtor's attorney as agent to receive service of process pursuant to Fed. R. Bankr. P. 7004(b)(9) in all proceedings in the case, including adversary actions and contested matters. This designation is contained within the Declaration Re: Electronic Filing found in **Appendix 1-02**.

RULE 7005-1. SERVING AND FILING OF PLEADINGS AND OTHER PAPERS

The provisions of Local Rule 5005-1 and the Court's Standing Order for Electronic Case Filing Procedures apply. Registration for participation in the Court's Electronic Case Filing System and receipt of a password constitute written consent to receive electronic service from the Court and/or other parties.

RULE 7005-2. FILING OF DISCOVERY MATERIALS

Non-filing; Certificate of Service. The following discovery documents and responses shall be

served on opposing counsel and parties, but not filed with the Court unless ordered: requests to produce, inspect or admit; interrogatories; and depositions. Instead of filing the discovery pleadings, the parties shall file a certificate of service.

RULE 7016-1. PRE-TRIAL PROCEDURES

A. **Trial Date.** The trial date is generally set when the adversary complaint is filed and will be stated on the summons.

B. **Pretrial Period.** In an adversary action parties generally will be given 60 days to complete pretrial procedures, which may be adjusted for cause. Parties may request an earlier trial date.

C. **Pretrial Conference; Scheduling Order.** Discovery and pretrial conferences, and orders scheduling discovery may be set by the Court or on request of a party. **Plaintiff shall serve the pretrial order, summons, and complaint** on all parties unless otherwise ordered. The attorney who will handle the trial shall participate in all conferences unless excused by the Court. Counsel must have authority to agree to uncontroverted facts and to the scope and scheduling of discovery.

D. **Exhibits; Witnesses.** Three days before trial, or as set out in a pretrial order, parties shall mark and exchange all exhibits which may offered, and file and serve the exhibit and witness lists. An Exhibit Index (**Appendix 7-16**) on the Court form must be submitted at the trial. Plaintiff or movant exhibits will be marked with numbers, and defendant or respondent exhibits will be marked with letters.

RULE 7026-1. DISCOVERY - GENERAL

A. **Discovery Deadline.** Deadlines for the close of discovery will be extended only for cause. Absent extraordinary circumstances, a deadline will not be extended unless there has been active discovery. Delayed discovery is not grounds for extension of discovery deadlines. Unless ordered otherwise, filing of a motion, including one on dismissal, summary judgment or discovery, does not toll commencement of discovery or excuse counsel from completing discovery. Counsel may agree to modify deadlines without Court approval if trial and pretrial conference dates are not affected.

B. **Discovery Motion.** The Court will not entertain motions on a discovery dispute until parties have complied with the following:

1. Movant's counsel has conferred, or made reasonable efforts to confer, and communicated in writing with opposing counsel in a sincere effort to resolve the dispute. Counsel shall certify compliance with this Rule in any discovery motion, detailing efforts to resolve the dispute before the motion.
2. After compliance with subsection (1), the parties shall request an expedited discovery conference with the Court, which may be by telephone or in chambers. If the dispute is not resolved by conference, a discovery motion may be filed.

C. **Form of Responses.** The party answering interrogatories or requests to admit, produce or inspect shall set forth each question or request immediately before the answer or response.

D. **Depositions.** Upon completion of a deposition transcript, the reporter shall file a certificate with

deponent's name, deposition date, name and address of the person with custody of the original transcript, and the charge for the original.

PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

RULE 8001-1. NOTICE OF APPEAL / MANNER OF TAKING APPEALS

A. All appeals are made to The United States Bankruptcy Appellate Panel of the Eighth Circuit unless a timely election is made to have the appeal heard by the District Court pursuant to 28 U.S.C. §158(c)(1). The appellant shall file the election form (**Appendix 8-01**) with the Clerk of the Bankruptcy Court at the time of filing of the appeal. Any other party's election shall be filed with the Clerk of the Bankruptcy Appellate Panel.

B. If a timely election is filed to have the appeal heard by the District Court, the procedures of the District Court will govern; otherwise, the Local Rules of the Bankruptcy Appellate Panel will apply.

RULE 8004-1. SERVICE OF THE NOTICE OF APPEAL

Regardless of whether the appeal is to the District Court or the Bankruptcy Appellate Panel, the Court will effect service of the Notice of Appeal to counsel of record for each party and the United States Trustee.

RULE 8005-1. STAY PENDING APPEAL

Unless otherwise ordered, a supersedeas bond to stay execution of a judgment shall be in the amount of 125% of the judgment in order to cover the judgment, interest, costs, and any damages for delay.

RULE 8006-1. DESIGNATION OF RECORD

A. **Record.** In appeals to the United States District Court, the requirements of Fed. R. Bankr. P. 8006 shall apply.

B. **Transmittal.** The Clerk of the Bankruptcy Court will transmit the Notice of Appeal to the Bankruptcy Appellate Panel, or, if timely election is made, to the United States District Court.

PART IX. GENERAL PROVISIONS

RULE 9006-2. CONTINUANCES

A motion for continuance must be filed five days before a hearing unless the reason occurs or becomes known only after that time.

RULE 9010-1. ATTORNEYS - NOTICE OF APPEARANCE / ADDRESS CHANGE

A. **Notice.** An attorney, debtor, or other party shall notify the Clerk, opposing counsel and interested parties, including the trustee, in writing of a change of address and submit a list of all proceedings affected.

B. **Failure to Change Address.** Service to the old address of any item by the Court or a party shall be deemed effective, regardless of whether the attorney, debtor, or other party actually received the item, if a notice of change of address has not been provided to the Court or made by the attorney.

RULE 9011-4. SIGNATURES

Pleadings filed by an attorney shall bear the original or electronic signature of such attorney in his or her individual name and shall include: the attorney's name, bar number, firm name, address, telephone number, fax number, and e-mail address.

RULE 9013-1. MOTION PRACTICE

A. **Writing.** Motions shall be in writing unless made in open court and shall state with particularity grounds for the relief requested.

B. **Supporting Documents.** When allegations of fact not appearing of record are relied on in support of a motion, all affidavits and other pertinent documents shall be summarized and this summary (**Appendix 3-01**) shall be submitted with the motion.

C. **Response.** Unless otherwise provided by these Rules, the Federal Rules of Bankruptcy Procedure, or by order of this Court, respondent shall file a response, any memorandum of authority, opposing affidavits for summary judgment motions, and supporting documents within 20 days after service of the motion.

D. **Failure to File.** Failure of movant to file any supporting memorandum, or of respondent to file a timely response or memorandum, constitutes a waiver of the right to file same.

E. **Submission.** Motions are deemed submitted on the date the response is filed. When no response is filed, motions shall be deemed submitted 20 days after the filing date.

F. **Hearings; Notice.** At least five days notice of a hearing date will be given if practicable. For cause, the Court may shorten the notice period. A party may request oral argument or a hearing on a motion. Whether to grant the request is within the Court's discretion.

RULE 9013-3. CERTIFICATE OF SERVICE

A. **Certificate of Service.** Each pleading shall have a signed certificate of service at the end of the pleading or on a separate, captioned certificate, stating: the manner and date of service, and each person served, either by name or reference to a standard mailing list. A pleading without a proper certificate may be stricken or denied.

B. **Incorrect Certificate.** A certificate is not sufficient if it is in a separate cover letter or on a cover sheet which is not a separate, captioned certificate, or consists of a general statement that proper parties have been served.

RULE 9015-1. JURY TRIAL

A. Jury Trial. Issues triable of right by jury shall, if timely demanded, be by jury, unless the parties or their attorneys of record, by stipulation filed with the Court or oral stipulation made in open court and entered in the record, consent to trial by the Court sitting without a jury.

B. Demand.

1. Time; Form. Any party may demand a jury trial of an issue triable by a jury by serving on other parties a jury demand within 10 days after service of the last pleading directed to such issue. A demand may be endorsed on a pleading. When a jury trial is demanded it shall be designated by the Clerk in the docket as a jury matter.
2. Specification of Issues. In a demand, a party may specify the issues which it wishes to try; otherwise it will be deemed to have demanded jury trial of all issues so triable. If a party has demanded a jury trial of only some issues, any other party may, within 10 days after service of the demand or such lesser time as the Court orders, serve a demand for jury trial of any other or all issues.
3. Determination by Court. On motion by a party or on its own motion, the Court may determine whether there is a right to a jury trial on the issues for which a jury is demanded or whether a jury demand in a proceeding on a contested petition shall be granted.

C. Waiver. Failure to file and serve a demand as required by this Rule and Fed. R. Bankr. P. 5005 constitutes a waiver of trial by jury. A demand cannot be withdrawn without consent of the parties.

D. Trial by Court. Issues not demanded for jury trial shall be tried by the Court. Despite a party's failure to demand a jury when such demand might have been made of right, the Court on its own may order a jury trial of any or all issues.

E. Applicability of Certain Federal Rules of Civil Procedure. Rules 38, 39, 47-51, and 81(c) of Federal Rules of Civil Procedure apply when a jury trial is conducted.

F. Pre-trial Proceedings. In any case where a jury trial will be conducted in District Court, the adversary action or proceeding shall remain in Bankruptcy Court until conclusion of all pre-trial proceedings, including discovery, pretrial conferences, and ruling of all motions, including dispositive motions, and shall be transferred to District Court on order of the Bankruptcy Court when the proceeding is ready for trial.

RULE 9016-1. SUBPOENAS

Subpoenas for persons or documents for deposition, Rule 2004 examination, hearing or trial, may be obtained from any Clerk's Office in the Western District. As officers of the court, attorneys may sign and issue subpoenas as allowed by Fed. R. Civ. P. 45, as made applicable by Fed. R. Bankr. P. 9016.

RULE 9016-2. WITNESSES

A. **Witnesses.** Absent permission of the Court, only one attorney for each litigant may examine any one witness.

B. **Limitation on Experts.** No more than three expert witnesses may be called by a party at trial absent prior Court approval.

RULE 9029-1. LOCAL RULES - GENERAL

These Local Rules, adopted pursuant to Fed. R. Bankr. P. 9029 and General Order of the District Court entered on December 20, 1993 (**Appendix 9-29**), govern procedure in proceedings before the United States Bankruptcy Court, Western District of Missouri. The Rules may be modified as the Court deems appropriate to meet emergencies or in the interest of justice.

PART X. REQUIREMENTS AND PROCEDURES FOR PRO SE FILERS

RULE 11002-1. PETITION - GENERAL

This Part X provides special procedures applicable to pro se filers. Except as provided in this Part X, Parts I through IX of these Local Rules are applicable to pro se filers.

A. **Filing a New Bankruptcy Petition.** All initial pleadings, including the petition, schedules, statement of affairs, and matrix, shall be filed on official forms in paper format with the Clerk of the Bankruptcy Court in Kansas City, Missouri. Filing may be done in person or by mail. The pro se filer should file one original set with original signatures and one copy. If filing by mail, the debtor must include a self-addressed, stamped envelope for return of the file-stamped copy to the debtor.

B. **Service on United States Attorney.** If any United States agency is a creditor, on the day of filing debtor shall serve the United States Attorney with the petition and initial pleadings.

C. **Amendments.** Debtor shall serve amendments to the schedules, matrix and other initial pleadings on the affected creditors.

D. **Mailing Matrix and Matrix Format.** Debtor shall file a master mailing matrix with names and addresses of all creditors and interested parties, but **not** debtor. The Clerk adds to each matrix the Missouri Department of Revenue. If any United States agency is a creditor, debtor shall add the United States Attorney to the matrix in addition to the creditor government agency. The mailing matrix must be verified by the debtor as specified in Fed. R. Bankr. P. 1008 and prepared in a specific format (**Appendix 1-02**). The petition may be dismissed if the matrix is not in the specified format.

E. **Amended Matrix.** Amendments must be identified as such, must be prepared in the specified format, must be verified, and shall list **only additional creditors**.

F. **Deficient Filing and Dismissal.** If the petition or initial filings are missing or incorrect, the Court may enter an order to show cause to the debtor to remedy the deficiency within 15 days (two days if it is a

mailing matrix), or the case may be dismissed without further notice or hearing.

G. Payment of Fees. All payment of fees must be by cashier's check, money order or cash. No personal checks or credit cards will be accepted.

RULE 11002-2. EMERGENCY FILING

A. Outstate Emergency. An emergency case may be filed in the Springfield or Jefferson City District Court Clerk's Office with prior approval of the Bankruptcy Clerk's Office in Kansas City **if** a foreclosure is scheduled for the same day and debtor certifies the petition could not be filed earlier in Kansas City or if, in the discretion of the Court, other emergency circumstances exist.

B. No General Outstate Filing. Only an emergency petition and no other types of pleadings may be filed in Springfield or Jefferson City District Court Clerks' Offices.

RULE 11009-1. AMENDMENTS TO LISTS AND SCHEDULES

Debtor must serve amendments to schedules, matrices and statement of affairs on affected entities, with a notice (**Appendix 1-09**) as follows:

1. For each affected entity, the name and address, amount owed, and date the debt was incurred;
2. The name and address of the trustee;
3. The bar date for filing claims, or a statement that no date has been set, or that it is a no-asset case and claims need not be filed. If the time has passed or will pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days after service of the notice to file claims;
4. The deadline for filing complaints objecting to the discharge of the debtor or to the dischargeability of a debt. If the time has passed or will pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days from service of the notice to file complaints; and
5. Amendments to schedules which add creditors must be accompanied by the appropriate fee, 28 U.S.C. § 1930. Amendments not accompanied by the appropriate fee will not be accepted.

RULE 17004-1. ADVERSARY PROCEEDINGS

A. Caption. Adversary proceedings shall be captioned with the debtor's name, case number, case chapter and judge assignment. The caption shall include the plaintiff, the defendant, the adversary case number after it has been assigned and the judge assignment.

B. Service. In accordance with Fed. R. Bankr. P. 7004, service of process in an adversary action must be made on either the debtor or the debtor's agent, where applicable.

C. Summons. The summons will be prepared by the clerk and will be returned to the pro se plaintiff for service pursuant to applicable law along with the adversary complaint.

D. Educational Loans - Service on United States Attorney. If the United States made or guaranteed an educational loan, debtor shall serve a copy of the summons and complaint under § 523(a)(8), pursuant to Fed. R. Bankr. P. 7004, on the United States Attorney in Kansas City, the Attorney General in Washington, D.C., and on the appropriate agency.

E. Payment of Fees. All payment of fees must be by cashier's check, money order or cash. No personal checks or credit cards will be accepted. Any adversary filing fee owed is due at the same time the complaint is filed. If the filing fee is missing, the Court may enter an order to show cause to the pro se filer to remedy the deficiency within 10 days or the case may be dismissed without further notice or hearing.

RULE 19011-4. SIGNATURES

Pleadings shall have the original ink signature of the pro se filer and shall include a clearly printed or typed name, address, and telephone number.

RULE 19013-1. MOTION PRACTICE AND SERVICE

A. Writing; Conciseness. Motions shall be in writing and shall state the grounds for the relief requested. Routine motions shall be one page when possible.

B. Caption. Motions shall be captioned with the debtor's name, case number, case chapter and judge assignment.

C. Supporting Documents. When allegations of fact not appearing on record are relied on in support of a motion, all affidavits and other pertinent documents shall be summarized on the pleadings filed with the Court (**Appendix 3-01**). Copies of the attachments and supporting documentation shall be served on affected parties.

D. Certificate of Service. Each pleading shall have a certificate of service, signed by the pro se filer at the end of the pleading or on a separate, captioned certificate, stating: the manner and date of service, and each person served. A pleading without a proper certificate may be stricken or denied.

E. Payment of Fees. All payment of fees must be by cashier's check, money order or cash. No personal checks or credit cards will be accepted. Motions not accompanied by the appropriate fee will not be accepted for filing.

APPENDIX

UNITED STATES BANKRUPTCY COURT

Charles Evans Whittaker Courthouse

Room 1510

400 East 9th Street

Kansas City, MO 64106

www.mow.uscourts.gov

<http://ecf.mow.uscourts.gov>

E-MAIL ADDRESSES/TELEPHONE NUMBERS - AREA CODE 816

Chief Deputy Clerk - John Cisternino,	512-1851, john.cisternino@mow.uscourts.gov
Automated Case Information (24 hours)	512-5110; 1-888-205-2527
Filing requirements	512-1800
341 meeting schedules - Judy Hale	512-1815, judy.hale@mow.uscourts.gov
Procedural Questions- Roberta Kostrow	512-1818, roberta.kostrow@mow.uscourts.gov
FAX	512-1832

JUDGES

Division 3 - Chief Judge Arthur B. Federman, Room 6552	512-1910
Secretary - Joan Martino	512-1911
Law Clerk - Donna Thalblum	512-1913
Courtroom Deputy - Sharon Stanley	512-1924
sharon.stanley@mow.uscourts.gov	FAX No. 512-1923
Division 2 - Judge Frank W. Koger, Room 6562	512-1880
Law Clerk - Tammee McVey	512-1886
Law Clerk - Erica Garrett	512-1885
Courtroom Deputy - Georgia Ann Tarwater	512-1894
georgia.tarwater@mow.uscourts.gov	FAX No. 512-1893
Division 1 - Judge Jerry W. Venters, Room 6462	512-1895
Secretary -Arlene Wilbers	512-1896
Law Clerk - Scottie Mayse	512-1898
Courtroom Deputy - Jamie Hinkle	512-1909
jamie.hinkle@mow.uscourts.gov	FAX No. 512-1908
Division 1, 2 and 3 Kansas City Chapter 13 cases	
Courtroom Deputy - Michele Blodig	512-1827
michele.blodig@mow.uscourts.gov	

Photocopies made by the Clerk's Office are \$.50 per page. There is a public machine in the bankruptcy clerk's office for \$.10 per page. Debit cards for the public machine may be ordered from Foto's Copies, 1816 Walnut, Kansas City, MO 64108 (tel. 816-421-6482).

APPENDIX 1-00

AGENCIES ADDED TO ALL BANKRUPTCY MATRICES BY COURT

Missouri Department of Revenue
P.O. Box 475
Jefferson City, MO 65105-0475

DO NOT ADD DEBTOR OR DEBTOR'S ATTORNEY TO MAILING MATRIX

FEDERAL AGENCIES THAT MUST BE ADDED TO MATRIX BY DEBTOR, IF APPLICABLE

U.S. Attorney
Room 5510, U.S. Courthouse
400 East 9th Street
Kansas City, MO 64106

For service of complaints by mail to the U.S. Attorney,
send to Attention: Trudy Feldkamp

Per Local Rule 1002-1, debtor must add U.S. Attorney to matrix filed with the court if the federal government is a creditor. Also, if the debtor knows that a loan is guaranteed by the federal government, please add the U.S. Attorney and the government agency to the matrix.

Farm Service Agency
601 Business Loop 70 West
Parkade Center, Suite 225
Columbia, MO 65203

Department of Agriculture
Office of General Counsel
P.O. Box 419205
Kansas City, MO 64141-0205

Department of Education, OGC
600 Independence Ave, Room 5442
Washington, D.C 20202-2110
- and -

Department of Health and Human
Services
Public Health Service, Parklawn Building
5600 Fishers Lane, Room 4A-53
Rockville, MD 20857

Department of Education
Office of Post Secondary Education, Region IX
50 United Nations Plaza
San Francisco, CA 94102-4987

Department of Veterans Affairs
Office of District Counsel
1 Jefferson Barracks Drive
St. Louis, MO 63125-4185

Dept of Housing and Urban Development
Office of General Counsel, Gateway Tower II
400 State Avenue, Room 200
Kansas City, MO 66101-2406

Internal Revenue Service
Collection Division, Stop 5334 STL
P.O. Box 66778
St. Louis, MO 63166

Securities and Exchange Commission
500 W. Madison, Suite 1400
Chicago, IL 60661-2511

Small Business Administration
501 Lucas Place
323 West 8th Street
Kansas City, MO 64105

Rural Housing Service/Rural Development
Centralized Servicing Center
PO Box 66879
St. Louis, MO 63166

APPENDIX 1-00

WESTERN DISTRICT OF MISSOURI PANEL TRUSTEES

1. Gary D. Barnes, gary.barnes@husch.com (816) 421-4800
1200 Main Street, #1700 Julie Peyton
Kansas City, MO 64105 FAX (816) 421-0596
2. Steven C. Block, sblock@ddsc-law.com (816) 221-8188
Suite 1930, 1100 Main St.
Kansas City, MO 64105 FAX (816) 221-8616
3. Patricia Ann Brown, [Pbrown@4state.com](mailto:pbrown@4state.com) (417) 206-8358
1857 Dogwood Dr. FAX (417) 206-8362
Joplin, MO 64801
4. J. Kevin Checkett, jkc@cp-law.com (417) 358-4049
517 S. Main Street Melinda Baugh
P.O. Box 409 FAX (417) 358-6341
Carthage, MO 64836
5. Jerald Enslein, jsenslein@gallas-schultz.com (816) 822-8100
9140 Ward Pkwy., Ste 225 FAX (816) 822-8222
Kansas City, MO 64114
6. Janice Harder, janice@harderlaw.com (573) 875-2880
11 N. Fifth St. FAX (573) 443-2808
Columbia, MO 65201
7. George T. Johnson (816) 765-7500
10711 Wheeling Ave. FAX (816) 765-7500
Kansas City, MO 64134
8. Erlene W. Krigel, ekrigel@krigelandkrigel.com (816) 756-5800
4550 Belleview Mona Meyers
Kansas City, MO 64111 FAX (816) 756-1999
9. Jere L. Loyd, Loyd-t@swbell.net (816) 364-3020
507 Francis St., #208 Sheila Daniels
St. Joseph, MO 64501 FAX (816) 364-3895
10. Fred Charles Moon, Fcmoon@gabrielmail.com (417) 862-3735
1705 N. Jefferson Lois Henderson
Springfield, MO 65803 FAX (417) 862-1936
11. Danny R. Nelson, dnelson@lathropgage.com (417) 575-5900
PO Box 4288 Deana Foster
Springfield, MO 65808 FAX (417) 575-5929

APPENDIX 1-00

- | | | |
|-----|---|--|
| 12. | Thomas J. O'Neal, toneal@stklaw.com
901 St. Louis St., #1200
Springfield, MO 65806 | (417) 869-3353
Charla Moore
FAX (417) 869-9943 |
| 13. | Aunna Peoples
4550 Main St., #217
Kansas City, MO 64111 | (816) 531-2700
Diane Baker
FAX (816) 531-0254 |
| 14. | Robert A. Pummill, rpumill@sprintmail.com
6801 W. 107 th St., #100
Overland Park, KS 66212 | (913) 648-8877
Pearl Schardein
FAX (913) 648-8886 |
| 15. | John C. Reed, jreedlaw@aol.com
325 Jefferson Street
P.O. Box 1048
Jefferson City, MO 65102 | (573) 635-8500
Jeanie Campbell
FAX (573) 634-3079 |
| 16. | Norman E. Rouse, norman@joplin.com
20 th & Prosperity Road
P.O. Box 1846
Joplin, MO 64802-1846 | (417) 782-2222
Tabitha Culbertson
FAX (417) 782-1003 |
| 17. | Maureen Scully
P.O. Box 30233
Kansas City, MO 64112 | |
| 18. | Janice E. Stanton, janice.stanton@psinet.com
104 W. 9th St., Ste 303
Kansas City, MO 64105 | (816) 421-7770
Cindy Houser
FAX (816) 421-7773 |
| 19. | David C. Stover, DCStover@gunnshank.com
3000 Brooktree Lane, #100
Kansas City, MO 64119 | (816) 454-5600
Kathy Miller
FAX (816) 454-3678 |
| 20. | Bruce E. Strauss, bestrauss@mbslaw.psemail.com
1044 Main Street, 7th Floor
Kansas City, MO 64105 | (816) 221-8855
Alicia Burris
FAX (816) 221-7886 |

CHAPTER 12 TRUSTEES

Appointed by the United States Trustee

CHAPTER 13 TRUSTEE

All Divisions

Richard V. Fink 818 Grand Blvd., Ste. 700 Kansas City, MO 64106-1910	(816) 842-1031 Georgeann Morris FAX (816) 221-8529
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APPENDIX 1-00

PACER/VOICE CASE INFORMATION SYSTEM

The United States Bankruptcy Court is pleased to offer two public information access services for bankruptcy cases.

WHAT IS PACER?

PACER stands for Public Access to Court Electronic Records. PACER allows Internet access to electronic bankruptcy records. You will be able to search for a case by participant name or case number. Once you find the case you want, you will be able to have the docket report or claims register displayed on your screen, ready to capture to your own printer or hard drive. Documents that have been filed electronically (virtually all documents filed on or after March 1, 2001) can be viewed on-line. You will have access to a complete electronic history of a case, without having to leave your office.

WHAT HOURS IS PACER AVAILABLE?

PACER is available 24 hours a day, seven days a week.

WHAT EQUIPMENT IS NEEDED?

To access **PACER** you need: 1) a personal computer; 2) an Internet connection; 3) a browser compatible with the court's electronic system and 4) a login and password.

IS THERE A COST FOR THIS SERVICE?

The cost for this service is \$.07 per page and access is billed on a quarterly basis by the **PACER** Billing Center. An application form is included on the reverse side or you can register on-line at <http://pacer.psc.uscourts.gov/regform.html>. You will receive a login and password in the mail.

WHAT IS THE VOICE CASE INFORMATION SYSTEM (VCIS)?

VCIS is a dial in service that will allow you to get basic information about bankruptcy cases such as the case number, chapter, date filed, assigned judge and debtor's attorney to mention a few. You must have a touch-tone phone. By spelling the debtor's name using the keypad on your phone (last name first or company name, then first name using no punctuation or spaces), or entering the case number you will hear information pertaining to the bankruptcy case(s). There is no charge for this service. The phone number is:

512-5110 in the Kansas City area or **toll free 1-888-205-2527**

PUBLIC ACCESS TO COURT ELECTRONIC RECORDS
PACER SERVICE CENTER
REGISTRATION FORM

Please print or type:

FIRM NAME: _____

CONTACT PERSON: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE NUMBER: _____

Please list the court names below. Be sure to specify district court, bankruptcy court or both.

or, you may register for all courts available by simply checking the box below.

☐ All available courts

_____ ☐ Check here if you are registering as a U.S. Government Agency

_____ ☐ Check her if you are registered with any other court and list the login id.

PLEASE FAX THIS FORM TO (210) 301-6441 OR MAIL TO:

PACER SERVICE CENTER
PACER REGISTRATION
PO BOX 780549
SAN ANTONIO, TX 78278-0549

There is no registration fee. You will only be billed for access time which is \$.60 per minute. You will receive your login and password in the mail within two weeks. Logins and passwords cannot be faxed or given over the phone. If you have any questions, call the PACER Service Center at 1 (800) 676-6856. You can register on-line at <http://pacer.psc.uscourts.gov/regform.html>.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

CHAPTER 7

Filing requirements for new Petitions (cases) and amendments thereto.

G \$200.00 Total Fee (\$155.00 Filing Fee + \$30.00 Administrative Fee + \$15.00 Trustee Surcharge)

The following documents are required for a Chapter 7 case and should be in your **pdf (portable document format)** electronic file in the following order:

- | | |
|---|--|
| 1. <input type="checkbox"/> Petition (including signature page) | <u>Separate Documents</u> |
| 2. <input type="checkbox"/> Summary of Schedules | <input type="checkbox"/> Application to pay filing fee in installments |
| 3. <input type="checkbox"/> Schedules: | (Individual debtor only) |
| <input type="checkbox"/> Schedule A. Real Property | |
| <input type="checkbox"/> Schedule B. Personal Property | . |
| <input type="checkbox"/> Schedule C. Exempt Property (Individual) | |
| <input type="checkbox"/> Schedule D. Secured Claims | Missing Documents; |
| <input type="checkbox"/> Schedule E. Priority Claims | If not included, a master mailing matrix |
| <input type="checkbox"/> Schedule F. Nonpriority Claims | must be filed within two (2) days. |
| <input type="checkbox"/> Schedule G. Contracts/Leases | All other documents are due within fifteen (15) |
| <input type="checkbox"/> Schedule H. Codebtors | days from date of filing or the case may be |
| <input type="checkbox"/> Schedule I. Current Income (Individual) | dismissed. |
| <input type="checkbox"/> Schedule J. Current Expenditures (Individual) | |
| 4. <input type="checkbox"/> Verification of Schedules | |
| 5. <input type="checkbox"/> Verified Statement of Financial Affairs | |
| 6. <input type="checkbox"/> Statement of Intention Signed by Debtor (Consumer Debtor Only, Not Business Debtor) | |
| 7. <input type="checkbox"/> Disclosure of Attorney Compensation | |
| 8. <input type="checkbox"/> Matrix | |
| 9. <input type="checkbox"/> Verification of Matrix | |
| 10. <input type="checkbox"/> Statement of Chapter 7 Business Operations (Business Continuing to Operate) | |
| 11. <input type="checkbox"/> Local Rule 2015-2A and B Statements (If debtor operates a business) | |

The Mailing Matrix must also be prepared in a separate text (.txt or .scn) file.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

CHAPTER 11

Filing requirements for new Petitions (cases) and amendments thereto.

G \$830.00 Total Fee (\$800.00 Filing Fee + \$30.00 Administrative Fee)

The following documents are required for a Chapter 11 case and should be in your **pdf (portable document format)** electronic file in the following order:

- | | |
|---|--|
| 1. <input type="checkbox"/> Petition (including signature page) | <u>Separate Documents</u> |
| 2. <input type="checkbox"/> Summary of Schedules | <input type="checkbox"/> Application to pay filing fee in installments |
| 3. <input type="checkbox"/> Schedules: | (Individual debtor only) |
| <input type="checkbox"/> Schedule A. Real Property | |
| <input type="checkbox"/> Schedule B. Personal Property | . |
| <input type="checkbox"/> Schedule C. Exempt Property (Individual) | |
| <input type="checkbox"/> Schedule D. Secured Claims | Missing Documents; |
| <input type="checkbox"/> Schedule E. Priority Claims | If not included, a master mailing matrix |
| <input type="checkbox"/> Schedule F. Nonpriority Claims | must be filed within two (2) days. |
| <input type="checkbox"/> Schedule G. Contracts/Leases | All other documents are due within fifteen (15) |
| <input type="checkbox"/> Schedule H. Codebtors | days from date of filing or the case may be |
| <input type="checkbox"/> Schedule I. Current Income (Individual) | dismissed. |
| <input type="checkbox"/> Schedule J. Current Expenditures (Individual) | |
| 4. <input type="checkbox"/> Verification of Schedules | |
| 5. <input type="checkbox"/> Verified Statement of Financial Affairs | |
| 6. <input type="checkbox"/> Disclosure of Attorney Compensation | |
| 7. <input type="checkbox"/> Matrix | |
| 8. <input type="checkbox"/> Verification of Matrix | |
| 9. <input type="checkbox"/> Local Rule 2015-2A and B Statements (If debtor operates a business) | |

The Mailing Matrix must also be prepared in a separate text (.txt or .scn) file.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

CHAPTER 12

Filing requirements for new Petitions (cases) and amendments thereto.

G \$230.00 Total Fee (\$200.00 Filing Fee + \$30.00 Administrative Fee)

The following documents are required for a Chapter 12 case and should be in your **pdf (portable document format)** electronic file in the following order:

- | | |
|---|--|
| 1. <input type="checkbox"/> Petition (including signature page) | <u>Separate Documents</u> |
| 2. <input type="checkbox"/> Summary of Schedules | <input type="checkbox"/> Application to pay filing fee in installments |
| 3. <input type="checkbox"/> Schedules: | (Individual debtor only) |
| <input type="checkbox"/> Schedule A. Real Property | |
| <input type="checkbox"/> Schedule B. Personal Property | . |
| <input type="checkbox"/> Schedule C. Exempt Property (Individual) | |
| <input type="checkbox"/> Schedule D. Secured Claims | Missing Documents; |
| <input type="checkbox"/> Schedule E. Priority Claims | If not included, a master mailing matrix |
| <input type="checkbox"/> Schedule F. Nonpriority Claims | must be filed within two (2) days. |
| <input type="checkbox"/> Schedule G. Contracts/Leases | All other documents are due within fifteen (15) |
| <input type="checkbox"/> Schedule H. Codebtors | days from date of filing or the case may be |
| <input type="checkbox"/> Schedule I. Current Income (Individual) | dismissed. |
| <input type="checkbox"/> Schedule J. Current Expenditures (Individual) | |
| 4. <input type="checkbox"/> Verification of Schedules | |
| 5. <input type="checkbox"/> Verified Statement of Financial Affairs | |
| 6. <input type="checkbox"/> Disclosure of Attorney Compensation | |
| 7. <input type="checkbox"/> Matrix | |
| 8. <input type="checkbox"/> Verification of Matrix | |
| 9. <input type="checkbox"/> Local Rule 2015-2A and B Statements (If debtor operates a business) | |

The Mailing Matrix must also be prepared in a separate text (.txt or .scn) file.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

CHAPTER 13

Filing requirements for new Petitions (cases) and amendments thereto.

G \$185.00 Total Fee (\$155.00 Filing Fee + \$30.00 Administrative Fee per 28 USC § 1930(b)(8))

The following documents are required for a Chapter 13 case and should be in your **pdf (portable document format)** electronic file in the following order:

- | | |
|---|--|
| 1. <input type="checkbox"/> Petition (including signature page) | <u>Separate Documents</u> |
| 2. <input type="checkbox"/> Summary of Schedules | <input type="checkbox"/> Application to pay filing fee in installments |
| 3. <input type="checkbox"/> Schedules: | <input type="checkbox"/> Chapter 13 Plan/Plan Summary (signed) |
| <input type="checkbox"/> Schedule A. Real Property | |
| <input type="checkbox"/> Schedule B. Personal Property | |
| <input type="checkbox"/> Schedule C. Exempt Property (Individual) | |
| <input type="checkbox"/> Schedule D. Secured Claims | |
| <input type="checkbox"/> Schedule E. Priority Claims | Missing Documents; |
| <input type="checkbox"/> Schedule F. Nonpriority Claims | If not included, a master mailing matrix |
| <input type="checkbox"/> Schedule G. Contracts/Leases | must be filed within two (2) days. |
| <input type="checkbox"/> Schedule H. Codebtors | All other documents are due within fifteen (15) |
| <input type="checkbox"/> Schedule I. Current Income (Individual) | days from date of filing or the case may be |
| <input type="checkbox"/> Schedule J. Current Expenditures (Individual) | dismissed. |
| 4. <input type="checkbox"/> Verification of Schedules | |
| 5. <input type="checkbox"/> Verified Statement of Financial Affairs | |
| 6. <input type="checkbox"/> Disclosure of Attorney Compensation | |
| 7. <input type="checkbox"/> Matrix | |
| 8. <input type="checkbox"/> Verification of Matrix | |
| 9. <input type="checkbox"/> Local Rule 2015-2A and B Statements (If debtor operates a business) | |

The Mailing Matrix must also be prepared in a separate text (.txt or .scn) file.

UNITED STATES BANKRUPTCY COURT

WESTERN DISTRICT OF MISSOURI

In re: _____)
_____) Bankruptcy Case No.
Debtor(s) _____)

DECLARATION RE: ELECTRONIC FILING

PART I - DECLARATION OF PETITIONER:

I [We] _____ and _____, the undersigned debtor(s), corporate officer, partner, or member, hereby declare under penalty of perjury that the information I have given or will give my attorney and the information provided in the electronically filed petition, statements and schedules is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules and any future amendments of these documents to the United States Bankruptcy Court, United States Trustee and Panel Trustee. I understand that this **DECLARATION RE: ELECTRONIC FILING** is to be filed with the Clerk after the petition has been filed electronically but, in any event, no later than 5 business days after the petition has been filed. I understand that failure to file the signed original of this **DECLARATION** will cause my case to be dismissed without further notice.

I [We] hereby designate my attorney, whose signature, name, address, Missouri Bar No., telephone and fax numbers are set forth below, as my agent to receive service of process and service of all pleadings in all proceedings, including adversary actions and contested matters, pursuant to Bankruptcy Rule 7004(b)(8), in this Court arising in this case. This designation shall expire upon entry of the final decree.

G [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of 11 United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter specified in the petition.

G [If petitioner is a corporation, partnership or limited liability entity] I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

Signed: _____
Debtor _____ Joint Debtor _____
(If joint case, both spouses must sign)

Dated: _____

Authorized Corporate Officer, Partner, or Member

PART II - DECLARATION OF ATTORNEY:

I declare under penalty of perjury that I have reviewed the above debtor's[s'] petition, schedules, statements and that the information is complete and correct to the best of my knowledge. The debtor(s) signed this Declaration before I submitted the petition, schedules and statements. I will give the debtor(s) a copy of all pleadings and information to be filed with, or received from, the United States Bankruptcy Court, and have complied with all other requirements in the most recent General Order, Administrative Procedures for Electronic Case Filing Manual and this court's Local Rules. I have informed the individual petitioner that [he and/or she] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based upon all information of which I have knowledge.

Dated: _____ **Signed:** _____
Attorney for Debtor(s), Missouri Bar No.
Attorney Address/ E-mail Address
Attorney Phone No./ Fax No.

(FILE ORIGINAL WITH COURT. DO NOT FILE ELECTRONICALLY)

APPENDIX 1-02

HOW TO CREATE A MATRIX TEXT FILE

FOR ELECTRONIC FILING

- Ö Talk to your software vender first.
- Ö If your software will not convert the matrix to a text file, then take the following steps:

1. Use a 1" left margin to create your matrix in Word/WordPerfect format.
2. Type your creditors in a single column down the left-hand margin as follows:

John Doe Creditor
1214 Anywhere Street
City, State and Zip

Mary Doe Creditor
1012 American Way
City, State and Zip

3. Single space each creditor and double-space between creditors; the city, state and zip must be together on the last line. IF YOU MUST INCLUDE ACCOUNT NUMBERS, DO NOT PUT THEM ON THE LAST LINE. DO NOT USE HARD PAGE BREAKS BETWEEN PAGES. IF CREDITORS BECOME SEPARATED BETWEEN PAGES, SIMPLY INSERT ADDITIONAL LINES.
4. Click [File] and then [Save As...]
5. Name your file and change your drive (if necessary)
6. Beside the selection "File type:" click the down arrow button [–]
7. Select one of the following options depending on your software:
 - ÷ WordPerfect - choose "ASC II DOS Text"
 - ÷ Word - choose "MS DOS Text"
8. Click [Save]
9. Your matrix is now in text format.

HOW TO CREATE A MATRIX

FOR PRO SE DEBTOR PAPER FILING

1. Prepare a typed list of all your creditors (mailing matrix).
2. The matrix must include the name of the creditor, the address, and the city, state and zip code.
3. The list should be in a single column format with a 1 inch left margin.
4. Single-space the creditors but . . .
5. Double-space between creditors but do not separate a creditor from the address. The full name and address of a creditor should be on one page.
6. The city, state and zip must be all on the same line.
7. Use an ordinary font such as Times New Roman or Arial.

Here is an example:

ABC Corporation
1200 Main Street
Anywhere, MO 60000

Mr. and Mrs. XYZ
2100 Maple Drive
Anywhere, MO 60000

H&M Business Supply
1010 Elm Boulevard
Anywhere, MO 60000

8. You may use either a typewriter or a computer.
9. If using a computer, do not use hard returns.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

IN RE:

Debtor(s)

)
)
)
)
)
)
)
)
)

Case No. _____

VERIFICATION OF MAILING MATRIX

The above-named Debtor(s) hereby verifies that the attached list of creditors is true and correct to the best of my knowledge and includes the name and address of my ex-spouse (if any).

Date: _____

Debtor

Joint Debtor

APPENDIX 1-02

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

IN RE:

Debtor(s)

)
)
)
)
)
)

Case No. _____

STATEMENT OF CHAPTER 7 BUSINESS OPERATIONS

In a Chapter 7 case in which the debtor is operating a business at the time of filing,

the following information is required:

- (1) Chief Operating Officer or other contact person

Type Name and Title

- (2) Address of Business

Type Street, City, State and Zip Code

- (3) Telephone Number(s) where Chief Operating Officer or other contact person can be reached

Type Telephone Number(s)

- (4) Business no longer in operation ____.

Signature

cc: U.S. Trustee

APPENDIX 1-02

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

IN RE

CASE NO. _____

NOTICE OF DESIGNATION AS COMPLEX CHAPTER 11 BANKRUPTCY CASE

This bankruptcy case was filed on _____, 200__. The undersigned party in interest believes that this case qualifies under L.R. 1002-2 as a Complex Chapter 11 Bankruptcy Case because:

_____ There is a need for emergency consideration of the following “first day” motions.
(NOTE: This ground alone would NOT normally be sufficient).

_____ The Debtor has total debt of more than \$_____ million and unsecured non-priority debt of more than \$_____ million;

_____ There are more than _____ parties in interest in this case;

_____ Claims against the Debtor are publicly traded;

_____ Equity interests in the Debtor are publicly traded;

_____ Other: Substantial explanation is required. (Attach additional sheets if necessary.)

_____, 200__.

APPENDIX 1-02

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

IN RE

)
)
)

CASE NO. _____

INITIAL ORDER FOR COMPLEX CHAPTER 11 BANKRUPTCY CASE

This bankruptcy case was filed on _____, 200__. A Notice of Designation as Complex Chapter 11 Case (L.R. 1002-2) was filed. After review of the initial pleadings filed in this case, the Court concludes that this appears to be a Complex Chapter 11 Case and issues this scheduling order, subject to rescission, revision, or modification as provided below:

1. **Service List and Limitation on Service:** Subject to the Local Rules and the requirements of the Electronic Case Filing System, the Debtor shall maintain a service list ("Service List"), identifying the parties that must be served whenever a motion or other pleading requires notice. Upon establishment of such a list, notices of motions and other matters will be limited to the parties on the Service List.

The Service List shall initially include the Debtor, Debtor's counsel, counsel for the Official Unsecured Creditors' Committee, U.S. Trustee, Internal Revenue Service, SEC (if publicly traded) all secured creditors, 20 largest unsecured creditors [of each Debtor], any indenture trustee, and any party that requests notice;

Any party in interest that wishes to receive notice, other than as listed on the Service List, shall be added to the Service List merely by filing an entry of appearance;

Parties on the Service List are required to give a fax number and e-mail address for service of process;

The initial Service List shall be filed within three (3) days after entry of this order. A revised list shall be filed after fifteen (15) days after the Initial Service List is filed. Debtors shall update the Service List, and shall file the updated Service List, at least every 30 days thereafter.

2. **Hearing Days** The Court hereby establishes _____ of each month at _____.m. as the scheduled hearing day ("Hearing Day") and time for hearing all motions and other matters in these cases. (There may be exceptions).

3. **Setting Hearings and Giving Notice of a Motion Requiring Emergency for Expedited Relief:** If a motion requires emergency or expedited relief, a separate motion for emergency or expedited relief should be filed, stating with specificity the reason why an emergency exists or why there is a need for expedited treatment. If the court grants such emergency treatment, the Court will direct the requisite notice and will set a hearing date and time.

4. **Proposed Hearing Agenda:** At least two (2) business days prior to each Hearing Day, Debtor's counsel shall file and serve on the Master Service List a Proposed Hearing Agenda.

APPENDIX 1-02

The Proposed Hearing Agenda is merely a proposal for the convenience of the Court and counsel. It is NOT determinative of the matters to be heard on that day and is not determinative of whether there will be a settlement or continuance.

The Proposed Hearing Agenda is expected to include:

1. The docket number and title of each matter to be scheduled for hearing on the next Hearing Day;
2. Whether the Matter is contested or uncontested;
3. Other comments that will assist the Court in organizing its docket for the day; (for example, if a request for continuance or withdrawal of the matter is expected); and
4. A suggestion for the order in which the matters should be addressed.

On the Hearing Day, the Court may, or may not, accept the hearing agenda proposed by the Debtor.

5. **Participation in Some Hearings By Telephone:** Emergency and expedited hearings (and other hearings in limited circumstances) in this case may be conducted by telephone conference. Parties must obtain permission to participate by telephone from the Judge's courtroom deputy.

6. **Settlement:** If a matter is properly noticed for hearing and the parties reach agreement on a settlement of the dispute prior to the final hearing, the parties may announce the settlement at the scheduled hearing. If the Court determines that the notice of the dispute and the hearing is adequate notice of the effects of the settlement, (i.e. that the terms of the settlement are not materially different from what parties in interest could have expected if the dispute were fully litigated) the Court may approve the settlement at the hearing without further notice of the terms of the settlement.

7. **Case Captions:** Complex cases usually involve hundreds of motions. To facilitate motion tracking by the Clerk of the Court, each answer, reply, objection and order filed or provided by a party in this case should contain, in its title or first paragraph, a reference to the docket number of the pleading to which responds. EXAMPLE:

Response by XYZ Bank to Debtor's Motion for Use of Cash Collateral.
[This pleading responds to Docket #_____]

8. **Notice and Objections to this Order:** This order shall be served by Debtor on all parties in interest within seven (7) days. If any party in interest, at any time, objects to the provisions of this order, that party shall file a motion articulating the objection and the relief requested. The motion shall comply with the provisions of this order. After hearing the Motion and any responses, the Court may grant appropriate relief, if any is required. The Court may also, *sua sponte*, revise, modify or rescind this order.

SIGNED _____, 200____.

UNITED STATES BANKRUPTCY JUDGE

APPENDIX 1-02

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re: _____)
) Case No. _____
)
)
)
 Debtor(s) _____)

NOTICE OF AMENDMENT OF SCHEDULE OF DEBTS AND ADDITION OF CREDITOR

You are hereby notified that the debtor has filed amended schedules of debt to include creditors listed below or on the attachment.

1. Creditor (name and address):

2. Claim (amount owed, nature of claim, date incurred):

3. This claim has been scheduled as: ☐ priority; ☐ secured; ☐ general unsecured. (One box must be checked.)

4. Trustee, if one has been appointed:

5. Deadline for filing proofs of claim:

This is a no-asset case. It is unnecessary to file a claim now. If it is determined there are assets to distribute, creditors will receive a notice setting a deadline to file claims.

This claim was added to the schedules after the deadline for filing claims stated above. The creditor shall have 30 days after the date of service below to file a proof of claim **on the form included with this notice.**

This is a Chapter 13 case. You have 30 days from the date of this notice or until the bar date, whichever is later, to file your proof of claim.

6. Deadline for filing complaints objecting to discharge of specific debts or of debtor under 11 U.S.C. §§ 523, 727:

This claim was added to the schedules after the deadline for filing complaints stated above. The creditor shall have 30 days after the date of service below to file complaints.

Debtor's attorney (type name, address)

Certificate of Service: I, _____, certify the above notice was served on the above-named creditor by first class, postage prepaid mail, on _____.

(Signature above.)

Instructions: Mark out inapplicable paragraphs.

APPENDIX 1-09

Case Name: _____

Case No: _____

Monthly Operating Report Summary
for Month of _____

REVENUE

Gross Income		\$ _____
Less Cost of Goods Sold		\$ _____
Materials	\$ _____	
Direct Labor	\$ _____	
Overhead	\$ _____	
Gross Profit		\$ _____

OPERATING EXPENSES

Owner/Officer - Draws/Salaries	\$ _____	
Other Employee Salaries	\$ _____	
Advertising and Marketing	\$ _____	
Insurance	\$ _____	
Payroll Taxes	\$ _____	
Lease and Rent	\$ _____	
Telephone and Utilities	\$ _____	
Attorney and Other Professional Fees	\$ _____	
UST Quarterly Fees	\$ _____	
Other Expenses	\$ _____	
Total Operating Expenses		\$ _____
Net Income (Loss)		\$ _____

CURRENT ASSETS

Accounts Receivable at end of month	\$ _____
Increase (Decrease) in Accounts Receivable for month	\$ _____
Inventory at end of month	\$ _____
Increase (Decrease) in Inventory for month	\$ _____
Case at end of month	\$ _____
Increase (Decrease) in Case for month	\$ _____

LIABILITIES

Increase (Decrease) in post-petition debt	\$ _____
Increase (Decrease) in pre-petition debt	\$ _____
Taxes payable:	
Federal Payroll Taxes	\$ _____
State Payroll Taxes	\$ _____
Local Payroll Taxes	\$ _____
State Sales Taxes	\$ _____
Real Estate and	
Personal Property Taxes	\$ _____
Other (describe)	\$ _____
Total Taxes Payable	\$ _____

APPENDIX 2-15

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re: _____)
)
) Case No. _____
)
Debtor(s). _____)

NOTICE OF APPLICATION FOR ATTORNEY FEES AND EXPENSES

1. On _____, _____, Counsel for debtor, filed an Application for Interim Compensation for the period and amounts below:

A. Period covered: _____;

B. \$ _____ fees for _____ hours of legal service;

C. \$ _____ expenses.

2. Previous applications: Number: _____.

A. Total of amounts previously sought:

\$ _____ fees; \$ _____ expenses.

B. Total of amounts previously allowed:

\$ _____ fees; \$ _____ expenses.

3. A. Original retainer: \$ _____.

B. Balance before this application: \$ _____.

4. Within 20 days from the date of service of this notice, creditors may file objections as to why the Application should not be granted with the **U.S. Bankruptcy Court, Room 1510, U.S. Courthouse, 400 East 9th Street, Kansas City, Missouri 64106**, and serve a copy on debtor's counsel. The Application and accompanying time sheets are on file and available for inspection in the Office of the Clerk during regular business hours or can be accessed by PACER subscribers who can review the electronic case file at <http://ecf.mowb.uscourts.gov>. If objections are timely filed, the Court will rule the matter from the pleadings or set the objections for a hearing, if appropriate. If no objections are filed, the Court will enter its order without further notice.

Signature

APPENDIX 2-16

PROOF OF CLAIM FORM INSERT

Copies of this form are available on the court website at www.mow.uscourts.gov
Go to the Forms page and select Bankruptcy

APPENDIX 3-01

APPENDIX 3-01

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF MISSOURI**

In re:

)
)
)
)
)

Case No.

SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the _____ (Motion/Claim) _____ are summarized below.

1.....

2.....

3.....

Respectfully submitted

Filer Name/Address/Phone

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of all documents supporting my (claim/motion) referenced above, including legible copies of all documents evidencing perfection of security interests have been served on the trustee and debtor's counsel this _____ day of _____, 20__.. Copies of the above documents are available to other parties in interest upon request.

Name

APPENDIX 3-01

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re:

)
)
)
)
)

Case No.

Debtor(s).

TRUSTEE'S OBJECTION TO CLAIMS AND NOTICE TO CLAIMANTS

Trustee _____ hereby objects to the following claims:

1. Claim No. _____ filed by _____ for the reason that _____
_____.
2. Claim No. _____ filed by _____ for the reason that _____
_____.

WHEREFORE, the trustee requests that the above identified claims be disallowed or allowed upon the conditions indicated above.

NOTICE TO CLAIMANTS

PLEASE TAKE NOTICE that you have 30 days from the date of service of this objection and notice to file a response or an amended claim. Your response must be in writing and state with particularity why you believe your claim should be allowed. If you do not file a response within the time indicated, the trustee's objection to the claim will be sustained, your claim will be disallowed, and you will receive no payment from the bankruptcy estate on account of your claim. If you file a response to the trustee's objection, the court will schedule a hearing to consider the merits of the trustee's objection.

In the event the court schedules a hearing, the claimant and trustee will be expected to appear at the hearing to present their respective positions.

Respectfully submitted,

Date

Trustee
Name and Address

CERTIFICATE OF MAILING

The above Objection and Notice was served electronically or by mail on:

Date: _____

APPENDIX 3-07

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI

IN RE:)) Case No.
Debtor(s).)

CHAPTER 11 FINAL REPORT AND APPLICATION FOR FINAL DECREE

Comes now the reorganized debtor, _____, by its attorney, and submits that the plan of reorganization confirmed herein has been substantially consummated and makes application for a final decree, pursuant to the provisions of Rule 3022, Federal Rules of Bankruptcy Procedure.

1. An order of confirmation was entered in this case on _____.
2. That all or substantially all of the property proposed by the plan to be transferred has been transferred.
3. Debtor or the successor to the debtor under the plan has assumed the business or has assumed the management of all or substantially all of the property dealt with by the plan.
4. Distribution under the plan has commenced.
5. The following adversary proceedings are being prosecuted:
6. Since confirmation, the reorganized debtor has made total disbursements to persons or entities, including plan creditors, for claims and expenses, in the sum of \$_____, and will pay to the United States Trustee contemporaneous with the filing of this application, the sum of \$_____ as quarterly fees due under the provisions of Section 1930(a)(6), Title 28 U.S.C.
7. There are no other facts which must be brought to the Court's attention to enable it to rule this application other than as presented herein.

WHEREFORE the reorganized debtor herein prays for the entry of the Final Decree pursuant to B.R. 3022, finding that the estate has been fully administered and that the plan has been substantially consummated and, therefore, pray for an order of this Court ordering, as appropriate:

1. Discharge of the debtor-in-possession or trustee and surety;
2. Any specific injunction or other equitable provisions as requested herein; and
3. The closing of the case.

DATED: _____

Debtor's Attorney/Attorney for Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this _____ day of _____, 20__, upon the United States Trustee, 400 East Ninth Street, Room 3440, Kansas City MO 64106.

BANKRUPTCY CLOSING REPORT
FINANCIAL DATA
ACTUALS AS OF _____
OR ANTICIPATED RECEIPTS AND DISBURSEMENTS

IN RE: _____) Case Number: _____
)
)
Debtor(s).)

Percent Dividend to Creditors: _____ %

Gross Cash Receipts \$ _____

FEES AND EXPENSES

Trustee Compensation \$ _____
Trustee Attorney Fee \$ _____
Court Fees (Noticing, Claims and
Adversary Filing) \$ _____
Other Professional Fees & Expenses
(Including Debtor's Attorney Fees) \$ _____

DISTRIBUTIONS

Secured Creditors \$ _____
Priority Creditors \$ _____
Unsecured Creditors \$ _____
Equity Security Holders \$ _____
Other Distribution (including payments
to Debtor) \$ _____

Total Disbursements \$ _____
(Total Disbursements must equal
Gross Cash Receipts)

APPENDIX 3-22

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re:

Case No: _____

Debtor(s)

CHAPTER 13 PLAN AND PLAN SUMMARY

1. **PLAN PAYMENT:** Debtor to pay \$_____ per month from future earnings in the manner indicated below.
Trustee shall make disbursements after confirmation in the order indicated:

PLAN PAYMENTS ARE TO BEGIN WITHIN 30 DAYS OF THE DATE STAMPED ON THIS PLAN WHETHER OR NOT THE PLAN PROVIDES FOR WAGE DEDUCTION AND WHETHER OR NOT THE WAGE DEDUCTION HAS GONE INTO EFFECT. PAYMENT ON TIME IS THE DEBTOR'S RESPONSIBILITY.

WAGE ORDER TO EMPLOYER:
(Employer's Name, address, telephone number)

DIRECT PAYMENT : From Debtor(s) to Trustee

()

2. **ADMINISTRATIVE COSTS:** Pay debtor(s) attorney as indicated below and pay trustee's fee per 28 USC § 586 and 11 USC § 1326.

Filing Fee: \$_____ has already been paid
\$_____ will be paid through the Chapter 13 plan

Attorney's Fees: \$_____ total attorney's fees
\$_____ attorney fees to be paid directly by the debtor.
\$_____ attorney fees to be paid from the plan payments.

Attorney fees paid from the plan payments will be paid pursuant to the Local Rules of the Bankruptcy Court unless different treatment is provided in paragraph 11.

3. **SUPPORT:** Future support owed to _____ is to be:
____ Paid directly to recipient by the debtor(s).
____ Paid to recipient from the Plan payment at \$_____ per month.
____ Support arrearage of \$_____ is to be paid from Plan payments at \$_____ per month.

4. **RESIDENTIAL HOME MORTGAGES. PAID AS LONG TERM DEBTS PURSUANT TO 11 U.S.C. SECTION 1322 (B)(5) AND EXCEPTED FROM DISCHARGE PURSUANT TO 11 U.S.C. SECTION 1328(A)(1):**

Pre-petition arrearages will be paid from the Plan payments. Unsecured pre-petition arrearages will be paid the contract rate of interest.

____ Post-petition payments are to be paid directly by debtor(s).
____ Post-petition payments are to be paid from the plan payments.

Mortgage Lien Holder	Regular Monthly Payment	Total Pre- Petition Arrearage	Arrearage Rate of Interest	Monthly Arrearage Payment
(1st)	\$	\$	Contract %	\$
(2nd)	\$	\$	Contract %	\$

APPENDIX 3-83

5. **LONG TERM DEBTS PURSUANT TO 11 USC § 1322(b)(5) AND EXCEPTED FROM DISCHARGE PURSUANT TO 11 USC § 1328(a)(1): To be paid as follows:**

Creditor Name	Regular Payment	Total Arrearage	Rate of Interest	Monthly Payment Through Plan On Arrearage
	\$	\$	Local Rule	\$
	\$	\$	Local Rule	\$
	\$	\$	Local Rule	\$

6. **SECURED CREDITORS: Retain lien and pay to value per 11 USC § 1325(a)(5)(B)(i)&(ii) with any balance paid as general unsecured.**

Creditor Name	Value of Collateral	Rate of Interest	Monthly Payment Through Plan
	\$	Local Rule	\$
	\$	Local Rule	\$
	\$	Local Rule	\$
	\$	Local Rule	\$
	\$	Local Rule	\$

Secured creditors with a non-purchase money security interest in consumer goods will be subject to lien avoidance per 11 USC § 522(f) and treated as general unsecured if a separate motion is filed and the court enters an Order Avoiding the Lien.

7. **SECURED CREDITORS: Surrender per 11 USC § 1325(a)(5)(C). If a deficiency claim is filed it will be allowed unless the column titled "Surrender In Lieu of Entire Debt" is clearly marked.**

Creditor Name	Surrender in Lieu of Entire Debt

8. **PRIORITY UNSECURED CREDITORS: Pay 100% in full per 11 USC § 1322(a)(2) and 11 USC § 507. (Fill in the monthly payment, if any, in column below.)**

Creditor Name	Monthly Payment
	\$
	\$
	\$

9. EXECUTORY CONTRACTS:

Creditor Name	Property Description	Monthly Payment	Months Remaining	Accept/Reject	Payment Direct or Through Trustee
		\$			
		\$			

10. GENERAL UNSECURED CREDITORS: ONLY choose ONE of the following:

_____ A dividend of 100% OR

_____ A dividend of 0 % OR

_____ This is a "POT" Plan*. There is non-exempt equity of \$ _____. ("The POT").

OR

_____ This is a "BASE" Plan**. The BASE is _____ months of Plan payments.

11. OTHER REMARKS OR PROVISIONS: _____

DATE: _____ DEBTOR

_____ DEBTOR

BY: _____

Attorney

***POT PLANS** - The filed and allowed general unsecured claimants will share pro rata any funds left in "The Pot" after the satisfaction of the pre-petition attorney fees being paid from the Plan payments and the pre-petition filed and allowed priority unsecured claims. If the pre-petition attorney fees being paid from the Plan payments and the filed and allowed priority unsecured claims are equal to or greater than "The Pot", the filed and allowed general unsecured creditors will share zero (0%).

****BASE PLANS** - Filed and allowed general unsecured claimants will share pro rata funds left over after the payment of administrative expenses, including court fees, Trustee's fees and attorney's fees; the payment of secured claims plus interest, if any; and priority unsecured claims based on the base number of months of Plan payments. ("The Base"). Because the total funds paid into the Plan must be sufficient to satisfy the administrative expenses, secured claims and priority unsecured claims, the Plan may actually run longer than "The Base". "The Base" will be adjusted upward to accommodate proofs of claim and amended proofs of claim filed and allowed after the bar date and to accommodate increases in long-term continuing debts being paid through the Plan payments. Notification received by the Trustee's office of an increase in a long-term continuing debt being paid through the Plan will result in "The Base" being adjusted upward to accommodate the increased payment. Any adjustments made because of the foregoing reasons that result in the Plan running in excess of the sixty-month statutory time limit of Section 1322(d) may result in the Trustee's office filing a motion to dismiss. "The Base" may be adjusted at the end of the Plan in order to allow a full monthly payment in the last month of the Plan to any creditor receiving continuing payments through the Trustee's office. Rev. 11/08/99

APPENDIX 3-83

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

IN RE:

)
)
)
)
)

Case No.

Debtor.

MOTION FOR ORDER OF RELEASE OF WRIT OF GARNISHMENT AS TO WAGES

Debtor(s) filed for Chapter ____ bankruptcy relief on _____. As of that date, debtor(s) wages were subject to a writ of garnishment executed by _____, garnishing creditor. The garnishment is not to enforce payment of any order for alimony, maintenance, or support to a spouse, former spouse, or child. Any wages earned by a debtor post-petition are protected by the automatic stay, pursuant to 11 U.S.C. § 362(a). Debtor(s), therefore, move for an Order of Release of the Writ of Garnishment as to any and all post-petition wages subject to the writ of garnishment.

Name/Address

Dated: _____

CERTIFICATE OF MAILING

Debtor(s) or debtor(s)' attorney will serve the above Motion and Order on all interested parties, including the garnishor, the garnishee, and, where identified, their respective attorneys.

Dated: _____

Name

APPENDIX 4-03

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
EN BANC**



**GENERAL ORDER FOR
ELECTRONIC CASE FILING PROCEDURES**

Federal Rules of Bankruptcy Procedure 5005(a)(2), 9029 and 9036; and General Order of the United States District Court for the Western District of Missouri entered on December 20, 1993, authorize this Court to establish practices and procedures for the filing, signing, maintaining, and verification of pleadings and papers by electronic means; and

The Administrative Procedures for the Electronic Case Filing System, hereafter “Administrative Procedures,” have been reviewed by this Court; and

The Administrative Procedures are consistent with and further the responsibility of the Clerk of the Court for the control of the Court’s docket under Fed. R. Bankr. P. 5005, including safeguarding the integrity of the Court’s docket; and

The Administrative Procedures do not impose fees inconsistent with the present fee structure adopted by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930; and

The Administrative Procedures provide adequate procedures for filing pleadings and papers and access to review and retrieve records and dockets of this Court by parties who are not able to access the Electronic Case Filing System over the Internet, thereby complying with the requirements contained in 11 U.S.C. § 107(a); and

The Administrative Procedures provide adequate procedures for the protection of entities with respect to confidential or scandalous or defamatory matters as provided in 11 U.S.C. § 107(b); and

The Administrative Procedures do not impair the ability of the Clerk of the Court to perform statistical reporting responsibilities both to the Court and the Administrative Office of the United States Courts; and

The Administrative Procedures are consistent with notice requirements of the Federal Rules of Bankruptcy Procedure and the Local Rules of Practice for the United States Bankruptcy Court for the Western District of Missouri.

APPENDIX 5-05

NOW, THEREFORE, IT IS ORDERED that:

1. The Administrative Procedures for the Electronic Case Filing System, as maintained and updated by the Clerk, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other papers, are hereby approved by the Court.
2. Electronic Filing of Documents.
 - a. The electronic filing of a pleading or other paper in accordance with the Administrative Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk of Court under Fed. R. Bankr. P. 5003.
 - b. The Office of the Clerk will enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Administrative Procedures, which shall constitute entry on the docket record kept by the Clerk under Fed. R. Bankr. P. 5003 and for purposes of Fed. R. Bankr. P. 9021.
 - c. For filings that require a fee to be paid, the Office of the Clerk will automatically draw payment from the credit card account that was provided with the attorney registration.
3. Logins and Passwords.
 - a. Each attorney and party in good standing in this Court shall be entitled to one Electronic Case Filing System login and password to permit the attorney or party to electronically file and retrieve pleadings and other documents.
 - b. Login and password registration forms are available in the Office of the Clerk.
 - c. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of the registered attorney's law firm.
 - d. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the registered attorney's law firm.
 - e. Misuse of the Electronic Case Filing System login and password may result in revocation of the attorney's login and password privileges and/or the imposition of sanctions.
4. Signatures.
 - a. The electronic filing of a petition, pleading, motion or other paper by an attorney who is a registered participant in the Electronic Case Filing System shall constitute the signature of that attorney for all purposes, including Fed. R. Bankr. P. 9011 and Local Rule 9011-1.

- b. Any pleading, affidavit or other document filed electronically shall contain an electronic signature of the filer, e.g., “/s/ Jane Doe.”
- c. The original Declaration signed by the debtor shall be filed in paper form and maintained by the Office of the Clerk pursuant to federal requirements for record retention, but not for less than ten (10) years after the final decree is entered.

5. Notice of Electronic Filing and Service.

- a. Whenever a pleading or other paper is filed electronically, a Notice of Electronic Filing will be automatically generated by the Electronic Case Filing System at the time of filing and sent electronically to the party filing the pleading or other paper, as well as to all parties in the case who are registered participants in the Electronic Case Filing System or have otherwise consented to electronic service.
- b. If the recipient of notice or service is a registered participant in the Electronic Case Filing System or has otherwise consented to electronic service, service of the Notice of Electronic Filing shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
- c. The filing party shall serve the pleading or other paper upon all other persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with subparagraph e below.
- d. Participation in the Electronic Case Filing System by receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to Fed. R. Bankr. P. 9036. Participants in the Electronic Case Filing System, by receiving a password from the Court, agree that notice and service by electronic means constitutes proper service.

Service of a summons and a complaint filed in an adversary proceeding or an involuntary bankruptcy proceeding shall continue to be made pursuant to Fed. R. Bankr. P. 7004.

- e. Pleadings or other documents which are not filed electronically shall be served in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules except as otherwise provided by Order of the Court.
6. The provisions of this Order shall apply to all electronically filed cases and cases converted to the Electronic Case Filing System in the United States Bankruptcy Court for the Western District of Missouri. Amendments to this Order may be entered from time to time in keeping with the needs of the Court.

7. Technical Failures.

The Clerk shall deem the W.D.MO. Public Web site to be subject to a technical failure on a given day if the Site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon on that day, in which case filings due that day which were not filed solely because of such technical failure shall be due the next business day. Such delayed filings shall be rejected unless accompanied by a declaration or affidavit attesting to the filing person's unsuccessful attempts to file electronically at least two times after 12:00 p.m. separated by at least one hour on each day of delay because of such technical failure.

8. This Order governs all cases assigned to the Electronic Case Filing System by the Court.

12/08/2000

Date

/s/ Arthur B. Federman

Arthur B. Federman, Chief Bankruptcy Judge

12/08/2000

Date

/s/ Frank W. Koger

Frank W. Koger, Bankruptcy Judge

12/08/2000

Date

/s/ Jerry W. Venters

Jerry W. Venters, Bankruptcy Judge

APPENDIX 5-05

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re: _____)
_____) Case No.
_____)
Debtor(s) _____)

NOTICE OF REOPENING OF BANKRUPTCY CASE TO ADD CREDITOR

You are hereby notified that the debtor has filed a motion to reopen the bankruptcy case in order to include creditors who were omitted from the schedule of debts, as listed below or on an attached exhibit.

1. Creditor (name and address):

2. Claim (amount owed, nature of claim, date incurred):

3. This claim has been scheduled as: ☐ priority; ☐ secured; ☐ general unsecured. (One box must be checked.)

4. The above named creditor has 30 days from the date of service below to object to reopening of the case for addition of the claim, or to file a complaint objecting to discharge of the debt or discharge of the debtor under 11 U.S.C. §§ 523, 727. If neither an objection to reopening nor a complaint under § 523 or § 727 is filed by the deadline, the creditor's claim will be discharged and the case will be reclosed without further notice or hearing.

Debtor's attorney
(Type name and address)

Certificate of Service: I, _____, certify the above notice was served on the above-named creditor by first class, postage prepaid mail, on _____.

(Signature.)

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI

_____ Division

) Case No.

)

) _____

)

)

)

EXHIBIT INDEX

Ex. = Offered & Admitted w/o objection
D.B. = Offered, but objected to and excluded
Ltd. = Admitted, de bene
= Admitted for limited purpose

X = Offered & Admitted over objection
N.O. = Marked but not offered
W.D. = Offered then withdrawn

Exhibit Number	Action Taken	Date	Time	Description

Page # _____ I CERTIFY that I have this date _____ received from the Clerk, U. S. Bankruptcy Court, Western District of Missouri, the following numbered exhibits for which I will hold myself responsible:

PRINTED NAME

SIGNATURE

UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE EIGHTH CIRCUIT

In re:)	
)	
DEBTOR,)	Case No
)	
Debtor.)	Chapter
)	

APPELLANT’S / (APPELLEE’S) ELECTION THAT APPEAL BE HEARD
BY THE UNITED STATES DISTRICT COURT

Appellant/ (Appellee), _____, hereby elects, pursuant to 28 U.S.C.
§ 158(c)(1)(A) / 158(c)(1)(B) and L.R. BAP 8th Cir. 8001A(a)(1), to have this appeal heard by the United
States District Court for the Western District of Missouri.

Attorney for Appellant/(Appellee)
Address
City, State, Zip

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
EN BANC

ORDER AUTHORIZING THE BANKRUPTCY APPELLATE PANEL SERVICE
TO HEAR AND DETERMINE BANKRUPTCY APPEALS
ORIGINATING IN THE WESTERN DISTRICT OF MISSOURI

WHEREAS, Congress, by adoption of 28 U.S.C. § 158(b)(1), has directed the establishment of a Bankruptcy Appellate Panel by the Judicial Council of each circuit, absent specific findings, and,

WHEREAS, the Eighth Circuit Judicial Council has approved the establishment of a Bankruptcy Appellate Panel in the Eighth Circuit, to be implemented only upon Administrative Office funding, and

WHEREAS, Section 158(b)(6) requires a district court to authorize bankruptcy appeals to be heard by the Bankruptcy Appellate Panel, it is

ORDERED that the district judges of the Western District of Missouri, by majority vote, direct that all bankruptcy appeals go to the Bankruptcy Appellate Panel for the Eighth Circuit when funded and operational.

/s/ D. Brook Bartlett

D. Brook Bartlett, Chief U.S. District Judge

/s/ Dean Whipple

Dean Whipple, U.S. District Judge

/s/ Fernando J. Gaitan

Fernando J. Gaitan, Jr., U.S. District Judge

/s/ Ortrie D. Smith

Ortrie D. Smith, U.S. District Judge

Dated: December 1, 1995

Kansas City, Missouri

(This is an electronic reproduction of a paper original)

Appendix 8-01

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

GENERAL ORDER

Pursuant to Rule 83 of the Federal rules of Civil Procedure and Rule 9029 of the Federal rules of Bankruptcy Procedure, the United States Bankruptcy Court for the Western District of Missouri procedure which are not inconsistent with the Federal rules of Bankruptcy Procedure, and which do not prohibit or limit use of the Official Forms.

This General Order shall remain in effect until further order of this Court.

s/s Joseph E. Stevens, Jr.
Joseph e. Stevens, Jr., Chief Judge

s/s D. Brook Bartlett
D. Brook Bartlett, District Judge

s/s Dean Whipple
Dean Whipple, District Judge

s/s Fernando J. Gaitan
Fernando J. Gaitan, Jr., District Judge

Kansas City, Missouri

Dated: December 20, 1993

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